KA / BG-GPO / 2515 / WPP-47 / 2009-2011

ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರ

ಅಧಿಕೃತವಾಗಿ ಪ್ರಕಟಿಸಲಾದುದು

ಸಂಪುಟ ೧೪೪	ಬೆಂಗಳೂರು, ಗುರುವಾರ, ಆಗಸ್ಟ್ ೬, ೨೦೦೯ (ಶ್ರಾವಣ ೧೫, ಶಕ ವರ್ಷ ೧೯೩೧)	ಸಂಚಿಕೆ ೩೨

ಭಾಗ – ೪

ಕೇಂದ್ರದ ವಿಧೇಯಕಗಳು ಮತ್ತು ಅವುಗಳ ಮೇಲೆ ಪರಿಶೀಲನಾ ಸಮಿತಿಯ ವರದಿಗಳು, ಕೇಂದ್ರದ ಅಧಿನಿಯಮಗಳು ಮತ್ತು ಅಧ್ಯಾದೇಶಗಳು, ಕೇಂದ್ರ ಸರ್ಕಾರದವರು ಹೊರಡಿಸಿದ ಸಾಮಾನ್ಯ ಶಾಸನಬದ್ಧ ನಿಯಮಗಳು ಮತ್ತು ಶಾಸನಬದ್ಧ ಆದೇಶಗಳು ಮತ್ತು ರಾಷ್ಟ್ರಪತಿಯವರಿಂದ ರಚಿತವಾಗಿ ರಾಜ್ಯ ಸರ್ಕಾರದವರಿಂದ ಪುನಃ ಪ್ರಕಟವಾದ ಆದೇಶಗಳು.

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಸಚಿವಾಲಯ

ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 38 ಕೇಶಾಪ್ರ 2009, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 19ನೇ ಮೇ 2009

2009ನೇ ಸಾಲಿನ ಮಾರ್ಚ್ 20ನೇ ದಿನಾಂಕದ ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟಿನ ವಿಶೇಷ ಸಂಚಿಕೆಯ ಭಾಗ–II ಸೆಕ್ಷನ್ 1ರಲ್ಲಿ ಪ್ರಕಟವಾದ ಈ ಕೆಳಕಂಡ The Prevention and Control of Infectious and Contagious Diseases in Animals Act, 2009 (Act No. 27 of 2009) ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯ ಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 20th March, 2009 / Phalguna 29, 1930 (Saka)

The following Act of Parliament received the assent of the President on the 20th March, 2009, and is hereby published for general information :-

THE PREVENTION AND CONTROL OF INFECTIOUS AND CONTAGIOUS DISEASES IN ANIMALS ACT, 2009

No. 27 OF 2009

[20th March, 2009]

An Act to provide for the prevention, control and eradication of infectious and contagious diseases affecting animals, for prevention of outbreak or spreading of such diseases from one State to another, and to meet the international obligations of India for facilitating import and export of animals and animal products and for matters connected there with or incidental thereto.

WHEREAS economic losses due to infectious and contagious diseases of animals are enormous in the country with some of these diseases constituting a serious threat to the public;

AND WHEREAS many of such animal diseases can be largely prevented by judicious implementation of vaccination programmes or by taking other appropriate and timely measures on scientific lines;

AND WHEREAS such measures are necessary to facilitate the import and export of animals and animal products and to keep in tune with international practices;

AND WHEREAS it has been realised that the prevention, control and eradication of infectious and contagious diseases of animals from India has to be tackled on a national basis so as to avoid adverse impact of such diseases on the economy of the country and for this purpose harmonise the control procedures and to prevent inter – State transmission of animal diseases;

AND WHEREAS the national level handling has to be done with the active involvement of the State Governments, particularly in regard to the precautionary measures required to be taken within their jurisdiction in respect of certain infectious and contagious diseases and the regulation of movement of animals outside their respective areas by timely adoption of appropriate measures;

AND WHEREAS India is a Member Country of the Office International Des Epizoolies, Paris and it is necessary to implement the general obligations, decisions and recommendations of the said Organisation and abide by the International Animal Health Code stipulated by the said Organisation;

BE it enacted by Parliament in the Sixtieth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. Short title, extent and commencement.- (1) This Act may be called the Prevention and Control of Infectious and Contagious Diseases in Animals Bill, 2009.

(2) It shall come into force on such date as the Central Government may, by notification, appoint; and different dates may be appointed for different States or for different areas therein as well as for different provisions of this Act, and any reference in any such provision of this Act to the commencement of this Act shall be construed in relation to any State or area or provision as a reference to the coming into force of this Act or, as the case may be, of that provision, in such State or area.

2. Definitions.- In this Act, unless the context otherwise requires,-

(a) "animal" means,—

(i) cattle, buffalo, sheep, goat, yak, mithun;

(ii) dog, cat, pig, horse, camel, ass, mule, poultry, bees; and

(iii) any other animal or bird as the Central Government may, by notification, specify;

(b) "Check Post" means any place established as such by the Director to carry out checking of animals for the purpose of this Act;

(c) "Competent Officer" means any person or officer of the Government notified as a Competent Officer under section 17;

(d) "compulsory vaccination" means vaccination of any animal against any scheduled disease in respect of which vaccination is made mandatory under the provisions of this Act;

(e) "controlled area" means any local area which has been declared as such by the State Government under sub-section (I) of section 6;

(f) "defective vaccine" means any vaccine which is expired, breach in seal, contaminated, improperly stored, unlabelled or with mutilated label;

(g) "Director", in relation to a State, means any officer in charge of the Department of Animal Husbandry or Veterinary Services, or both, notified by the State Government as such for the purpose of this Act;

(h) "free area" means any controlled area which has been declared as such under sub-section (5) of section 6;

(i) "infected animal" means an animal which is infected with any scheduled disease;

(j) "infected area" means an area declared as such under section 20;

(k) "notification" means notification published in the Official Gazette;

(l) "prescribed" means prescribed by rules made under this Act;

(m) "publication" includes propagation of information through the media or newspaper or any other mass media and the means of local communication such as declaration in loud voice and by beating drums in the area;

(n) "Quarantine Camp" means any place declared to carry out quarantine of animals and birds for the purpose of this Act;

(o) "scheduled disease" means any disease included in the Schedule;

(p) "Veterinarian" means a person having a recognised veterinary qualification who, under the law for the time being in force, is allowed to treat animal diseases;

(q) "Veterinary Officer" means any officer, appointed as such by the State Government under clause (b) of section 3;

(r) "Village Officer", in relation to a village, means any person who is authorised or designated as such in accordance with the qualifications prescribed by the State Government.

CHAPTER II

CONTROL OF SCHEDULED DISEASES

3. Appointment of Veterinary officers.- The State Government may, by notification, appoint-

(a) such number of persons, as it deems proper, to be Veterinarians to undertake inspection and specifying the local limits of their respective jurisdiction; and

(b) such number of Veterinarians, as it deems proper, to be Veterinary Officers, who shall exercise their powers and discharge their duties within the local limits of their jurisdiction as may be specified in the said notification.

4. Reporting scheduled diseases obligatory.- (1) Every owner, or any other person, non-governmental organisation, public bodies or the village panchayat, in charge of any animal which he or it has reason to believe to be infective of a scheduled disease shall report the fact to the Village Officer or village panchayat in-charge, who may report the same in writing to the nearest available Veterinarian.

(2) The Village Officer shall visit the area falling within his jurisdiction for reporting any outbreak of the disease.

(3) Every Veterinarian shall, on receipt of a report under sub-section (1), or otherwise, if he has reason to believe that any animal is infected with a scheduled disease, report the matter to the Veterinary Officer.

(4) Where in any State there is any occurrence of scheduled disease in relation to any animal, the Director shall send an intimation to the Directors of the States which are in the immediate neighbourhood of the place where there is such occurrence, for taking appropriate preventive measures against the spread of the disease.

5. Duty to segregate infected animals.- (1) Every owner or person in charge of an animal, which he has reason to believe is infective of a scheduled disease, shall segregate such animal and have it kept in a place away from all other animals which are healthy, and take all possible steps to prevent the infected animal from coming in contact with any other animal.

(2) The owner or other person in charge of, or having control over, the animal referred to in sub-section (1) shall conform that animal and prevent it from grazing in a common place or to drink water from any common source including a vessel, pond, lake or river.

(3) All other infected animals shall be segregated by the Municipality, Panchayat or other local administration.

6. Notification of controlled areas and free areas.- (1) The State Government may, with the object of preventing, controlling or eradicating any scheduled disease, by notification, declare any area to be a controlled area in respect of any scheduled disease affecting any species of animal and any other species that may be susceptible to the disease specified in the said notification.

(2) The State Government shall also cause the substance of the notification issued under sub-section (i) to be published in a local newspaper in the vernacular language and by declaration in loud voice and by beating drums in the area.

(3) Where a notification has been issued under sub-section (1), all animals of the species in the controlled area shall be subjected to compulsory vaccination against that disease, and be subjected to such other measures against the disease, in such manner and within such time as the State Government, may, by public notice, direct.

(4) The State Government shall make available necessary vaccine and it shall be obligatory on the part of every owner, or the person in charge of an animal which is required to be vaccinated under sub-section (3), to get the animal compulsorily vaccinated.

(5) Where the State Government is satisfied, on a report received from the Director or otherwise, that, in any controlled area, any of the scheduled diseases affecting any species of animal is no longer prevalent, it may, by notification, declare the area to be a free area in respect of that disease in relation to the particular species of animal.

(6) Where a notification has been issued under sub-section(s), no animal of the species or of any other susceptible species with regard to which it is a free area shall be allowed to enter the free area unless duly immunized by vaccination against that particular disease.

7. Prohibition of movement of animals from controlled area.- (1) Where a notification has been issued under sub-section (1) of section 6 declaring any area as a controlled area in relation to any disease affecting any species of animals, no animal belonging to that species shall be moved from the place where it is kept.

(2) The Director may, for the purpose of control, prevention or eradication of any scheduled disease, in respect of any area, by order published in the Official Gazette, prohibit the movement of all animals belonging to any species specified therein, from the place where it is kept, to any other place.

(3) Nothing contained in sub-sections (1) and (2) shall be deemed to prohibit-

(a) the movement of any animal referred to therein, from the place where it is kept. to the nearest place where it can be got vaccinated, so long as the animal is being moved for the purpose of its immunization by vaccination; or

(b) the movement of any such animal, so long as it is accompanied by a valid certificate of vaccination to indicate that the animal is duly immunized against the particular disease and it bears proper mark of such vaccination.

8. Vaccination, marking and issue of vaccination certificate.- (1) The vaccine to an animal may be administered by any person competent under the law for the time being in force to administer it, and issue a certificate of administration of vaccination.

(2) Where any animal has been vaccinated for any scheduled disease in compliance with the provisions of sub-section (1), the person vaccinating the animal shall cause to put a mark by branding, tattooing or ear tagging, or in such other manner as the Director may, by general or special order, direct and the same shall, unless otherwise specified by the Director, shall not be removed.

(3) The authority issuing a certificate of vaccination shall specify the date of vaccination, dates of manufacture and expiry of the vaccine and the date up to which the vaccination of the animal with the particular vaccine shall be valid.

9. Contents of vaccination certificate.- Every vaccination certificate issued under this Act shall be in such form and shall contain such particulars as may be prescribed by the Central Government.

10. Entry and exit of animals into controlled area and free area.- (1) Where any area has been declared as a controlled area under sub-section (1) of section 6 in respect of any disease affecting any species of animals, no animal belonging to that species shall be taken out of, or brought into that area save as provided in section 16.

(2) The Director may, by notice duly published in the Official Gazette and at least in one daily local newspaper in vernacular language, extend the prohibition contained in sub-section (1) to any other species of animals, if animals belonging to that species are also likely to be infected with that disease.

(3) No carrier of goods or animal shall carry any animal from or out of a controlled area, free area or infected area by land, sea or air unless he complies with the provisions of section 16.

(4) Nothing contained in sub-sections (1) to (3) shall apply to the carriage by railway of an animal referred to in those sub-sections through any area which, for the time being, is declared as a controlled area or infected area so long as the animal is nor unloaded (for whatsoever purpose or duration) in any place within that area:

Provided that the State Government may, by notification, declare that any species of animal so carried through any local area within the State shall be duly immunized against such scheduled disease, in such manner and within such time as may be specified in that notification and a certificate of vaccination shall be a pre-requisite for the transportation of the animals by the railways through that area:

Provided further that, where any notification as referred to in the first proviso has been issued, it shall be incumbent on the State Government to intimate that fact to the concerned railway authorities so as to enable them to satisfy themselves about the immunization of the animal before transporting it through the local area of the State.

11. Precautionary measures in relation to controlled areas.- No person take out of the controlled area-

(a) any animal alive or dead, which is infected with, or reasonably suspected to have been infected with, any scheduled disease notified under sub-section (1) of section 6,

(b) any kind of fodder, bedding or other material which has come into contact with any animal infected with such disease or could, in any manner, carry the infection of the notified disease, or

(c) the carcass, skin or any other part or product of such animal

12. Prohibition of markets, fairs, exhibition, etc., in the controlled areas.- No person, organisation or institution shall hold any animal market, animal fair, animal exhibition and carry on any other activity which involves grouping or gathering of any species of animals within a controlled area:

Provided that the Competent Officer may, suo mote or on application made to him in this behalf, relax the prohibition in relation to any species of animals, in a case where animals belonging to that species are not susceptible to the scheduled disease and are incapable of carrying it, if he is satisfied that in the public interest it is necessary to accord such relaxation.

13. Prohibition of bringing of infected animals into market and other places.- No person shall bring or attempt to bring into market, fair, exhibition or other congregation of animals or to any public place, any animal which is known to be infected with a scheduled disease.

14. Check Posts and Quarantine Camps.- (1) The Director may establish as many Quarantine Camps and Check Posts within the State as may be required-

(a) for the detention of animals suffering from any scheduled disease or of animals which have come into contact with or have been kept in the proximity of any such infected animal;

(b) for ensuring the prevention of entry into or exit from any controlled area or infected area or free area, of any animal belonging to the species of animals in respect of which a notification, issued under sub-section (1) of section 6, or an order issued under sub-section (2) of section 7, is in force.

(2) Any animal which is required to be detained, inspected, vaccinated, or marked, may be kept in the Quarantine Camp for such period as the Competent Officer may direct.

(3) Every animal detained at a Quarantine Camp shall be under the custody of the person in charge of the camp, and shall be vaccinated and marked.

(4) The officer in charge of the Quarantine Camp shall, at the time of release of an animal from the station, grant a permit, in such form as may be prescribed by the State Government, to the person taking charge of the animal, and every such person shall be bound to produce the permit whenever required to do so by any Competent Officer.

15. Inspection and detention of animals at Check Posts and Quarantine Camps.- (1) Every person in charge of any Check Post or Quarantine Camp shall inspect any animal stopped at the Check Post, or detained therein or at the Quarantine Camp.

(2) The manner of inspection and the period of detention of the animal at the Check Post or at the Quarantine Camp for the purpose of inspection or for the administration of compulsory vaccination, the marking of animals and the form and manner in which permit for entry in respect of any animal may be issued, shall be such as may be prescribed by the State Government.

16. Entry and exit of vaccinated animals into controlled and free areas.- Notwithstanding anything contained in section 10, an animal belonging to the species of animals in respect of which an area has been declared as a controlled or free area in relation to any scheduled disease, which has been duly vaccinated against that disease, shall be allowed to enter into or be taken out of the controlled area or free area, or to be taken out of any other place on the production of a certificate to the effect that vaccine against that disease has been administered and a period of not less than twenty-one days has elapsed thereafter.

17. Appointment of Competent Officers.- The State Government may, for the proper implementation of the provisions of this Act, by notification, authorise any person to exercise any power or discharge any duty as a Competent Officer, under this Act, who shall exercise such powers and such duties within the local limits of his jurisdiction as may be specified in the notification.

18. Cleaning and disinfection of carriers.- (1) Every common carrier whether a vessel or vehicle shall be cleaned and disinfected immediately before and after the transportation of any animal in that vessel or vehicle, and so also any other place where the animal has been kept in transit.

(2) Where any area has been declared as a controlled area or free area in respect of any scheduled disease affecting any species of animal, the Director may, by an order duly published in the Official Gazette and in a local newspaper in the vernacular language, direct the owner of every vehicle in which any animal belonging to that species is carried, to have the vehicle properly cleaned and disinfected.

19. Powers of entry and inspection.- Any Veterinary Officer or other Competent Officer may enter upon and inspect any land or building or place, vessel or vehicle, for the purpose of ensuring compliance of the provisions of this Act or the rules or orders made there under by the persons responsible for such compliance.

CHAPTER III

INFECTED AREAS

20. Declaration of infected areas.- If the Veterinary Officer, upon receipt of a report from a Veterinarian or otherwise, is satisfied that, in any place or premises falling within his jurisdiction, an animal has been infected with any scheduled disease, or that an animal, which he has reason to believe has been so infected, is kept, may, by notification and publication in at least one local newspaper in the vernacular language and by declaration in loud voice and by beating drums, declare such area as he may deem fit (including the place or premises aforesaid) to be an infected area.

21. Effect of declaration of infected areas.- (1) Where an area has been declared as an infected area under section 20, all provisions of this Act which are applicable in relation to a controlled area shall mutatis mutandis apply thereto as if for the words “controlled area”, the words “infected area” have been substituted.

(2) Without prejudice to the generality of the provisions contained in sub-section (1), the following further provisions shall apply in relation to an infected area, namely:-

(a) in respect of every animal in that area which is infected or reasonably believed to be infected, with any scheduled disease, the owner or other person in charge of the animal, shall forthwith get it treated by a Veterinarian;

(b) all articles, which are likely to have come into contact with any animal referred to in clause (a), shall be treated or disposed off in such a manner as the Veterinarian may direct;

(c) every Veterinarian shall, for the purpose of inspection, have the power to enter any place or premises where any animal is kept or is likely to be kept;

(d) the owner or any other person in charge of the animal referred to in clause (a) shall keep the animal in isolation forthwith, and also take such other measures as may be necessary for the prevention, treatment and control of the disease as the Veterinarian may direct.

22. Denotification of infected area.- if the Veterinary Officer, after such enquiry as he may deem fit, is satisfied that there is no longer the threat or danger of any animal being infected with the scheduled disease in any infected area, by notification and publication in a local newspaper in vernacular language, declare that the area is no longer an infected area as aforesaid, whereupon all the restrictions referred to in section 21 shall cease to apply.

CHAPTER IV

INFECTED ANIMALS

23. Segregation, examination and treatment of infected animals.- (1) Where the Veterinarian has, on receipt of a report or otherwise, reason to believe that any animal is infected with a scheduled disease, he may, by order in writing, direct the owner or any other person in charge of such animal—

(a) to keep it segregated from other apparently healthy animals; or

(b) to subject it to such treatment as may be required under the circumstances.

(2) Where any action has been taken in pursuance of sub-section (1), the Veterinarian shall forthwith give a detailed report of the incidence of the disease to the Veterinary Officer.

(3) On receipt of a report from the Veterinarian, the Veterinary Officer shall, as soon as possible, examine that animal as well as any other animal which could have come in contact with it, and for that purpose, submit the animal to such test and medical examination as may be required under the circumstances.

(4) If, after such test and examination, the Veterinary Officer is of the opinion that an animal is not infected with any of the scheduled diseases, he shall issue a certificate in writing that the animal is not infected with any such disease.

24. Drawing samples from animals.- Where the Veterinary Officer considers it necessary for the purpose of ascertaining whether the animal which is suspected to have been infected with any scheduled disease or susceptible to such infection is actually infected, or for the purpose of ascertaining the nature of the scheduled disease with which an animal is infected, he may draw such samples, as may be required, from the animal for the purpose of carrying out such investigations as he may deem necessary under the circumstances.

(2) The Veterinary Officer or any other Competent Officer shall draw samples from any animal for the purposes of ascertaining whether the animal has been vaccinated against any disease, or whether the vaccination of the animal has been effective in conferring it immunity and have the samples examined, in such manner as he may deem necessary.

25. Resort to euthanasia for infected animals.- If the Veterinary Officer deems it necessary that an animal, which is infected with a scheduled disease, euthanasia has to be resorted to, for preventing the spread of the disease to other animals in the area or to protect public health if the disease is of zoonotic importance, he may, notwithstanding anything contained in any other law for the time being in force, by an order in writing, direct euthanasia of the animal and the carcass disposed of immediately to his satisfaction.

26. Disposal of carcass.- Every person in possession of carcass (or any part thereof) of any animal, which, at the time of its death, was infected with any scheduled disease or was suspected to have been infected, shall dispose it of in such manner as may be prescribed.

27. Powers of Veterinary Officer and Veterinarian to hold postmortem examination.- (1) Where the Veterinary Officer or any Veterinarian has reason to believe that the death of an animal has been caused by an infection of any scheduled disease, he may make or cause to be made a post-mortem examination of the animal and for that purpose he may cause the carcass of any such animal to be exhumed where required followed by proper disposal after necessary examination and post-mortem.

(2) Every examination and post-mortem referred to in sub-section (1) shall be conducted in such manner, and the report of post-mortem shall be in such form, as may be prescribed.

28. Seizure and removal of certain animals.- Where any animal which is infected or suspected to have been infected is found without any person claiming to be its owner, or where a valid order or direction given in relation to any such animal is not promptly complied with by the owner or other person in control of the animal, it shall be open to the Veterinary Officer or any other Competent Officer, to seize the animal and remove it to a place of isolation or segregation, as he may deem proper.

CHAPTER V

ENFORCEMENT AND PENALTIES

29. Enforcement of orders and recovery of expenses.- (1) Where by any rule, notification, notice, requisition, order or direction made under this Act, any person is required to take any measure or to do anything-

(a) in respect of any animal, carcass of any animal or other thing in his custody or charge, the same shall be promptly complied with by that person;

(b) in case of any stray or ownerless animal, carcass of such animal or parts thereof, the same shall be promptly complied with by the municipality or Panchayat, as the case may be, at its cost.

(2) If the measures as referred to in sub-section (1) are not taken within such time as may be allowed for the purpose, the authority issuing the notice, requisition, order or direction, may cause the measures to be taken at the cost of the person or municipality or Panchayat, as the case may be, who or which was required to take the measures.

(3) The costs of any measures taken under sub-section (2), shall be recoverable from the person or the municipality or Panchayat, as the case may be, concerned in the manner provided by the Code of Criminal Procedure. 1973, (2 of 1974) for the recovery of fines imposed by a Court, as if such costs were a fine imposed by a Court.

30. Village Officers, etc., to assist.- All Municipal, Panchayat or Village Officers and all officers of the rural and dairy development, revenue, agriculture, animal husbandry and veterinary departments of the State Government, shall be bound-

(a) to give immediate information to the Veterinary Officer and to the Veterinarian having jurisdiction in the area regarding the prevalence of a scheduled disease amongst any animal or species of animals, in the area;

(b) to take all necessary measures to prevent the outbreak or spread of any scheduled disease; and

(c) to assist the Veterinary Officer and the Veterinarian in the discharge of their duties or in the exercise of their powers under this Act.

31. Penalty for issuing vaccination certificate without authority or administering defective vaccine.- If any person issues a vaccination certificate,-

(a) without authority or competence in that behalf, or

(b) after administering the vaccine which is known to be defective in any manner,

he shall be guilty of an offence punishable with a fine of five thousand rupees or in case of non-payment of fine with imprisonment which may extend to one month, and in the case of any subsequent offence, with fine of ten thousand rupees or with imprisonment which may extend to three months.

32. Penalties.- Any person who contravenes the provisions of this Act or obstructs the Competent Officer in performing his duties shall be guilty of an offence punishable with fine which may extend to one thousand rupees, and in case of failure to pay the penalty with imprisonment for a term which may extend to one month; and in the case of any subsequent offence (whether under the same provision or any other provision of this Act except in case of sections 31 and 33) with a fine of two thousand rupees, or with imprisonment for a term which may extend to two months in case of non-payment of the penalty.

33. Penalty for placing infected animal or carcass in river, etc.- Whoever places or causes or permits to be placed in any river, lake, canal or any other water body, the carcass or any part of the carcass of any animal which at the time of its death was known to be infected, shall be guilty of an offence and, on conviction, be punished, in the case of a first offence with fine of two thousand rupees or with imprisonment of one month in case of non-payment of fine and in the case of subsequent conviction with a fine of five thousand rupees or imprisonment for a term which may extend to three months or with both.

34. Offences by companies.- (1) Where an offence under this Act has been committed by a company, every person who at the time the offence was committed was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded and punished accordingly:

Provided that nothing contained in this sub-section shall render such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.- For the purposes of this section,-

(a) "company" means any body corporate and includes a co-operative society registered or deemed to be registered under any law for the time being in force, a firm or other association of individuals; and

(b) "director", in relation to a firm, means a partner in the firm.

CHAPTER VI

PRECAUTIONARY MEASURES ON CAUSATIVE ORGANISM, ETC.

35, Prevention of escape of causative organism.- (1) In every institution, laboratory or clinic, engaged in the manufacture, testing or research, related to vaccines; sera, diagnostics or chemotherapeutic drugs and aimed at the prevention or treatment of any scheduled disease, adequate precautionary measures shall be taken-

(a) to ensure that the causative organism of any scheduled disease does not escape or otherwise get released;

(b) to guard against any such escape or release; and

(c) to warn and to protect everyone concerned in the event of any escape.

(2) Notwithstanding anything contained in any other law for the time being in force, every animal-

(a) used for the manufacture, testing or research as referred to sub-section (1), or

(b) which is likely to carry or transmit any scheduled disease,

shall be promptly administered euthanasia and disposed of by the person in charge of or having control of the institution, laboratory or clinic, as the case may be, referred to in that sub-section.

(3) Every person who is in charge of or having control of an institution, laboratory or clinic referred to in sub-section (1) comply with the provisions of sub-section (1) and subsection (2); and in the event of non-compliance he shall be guilty of an offence punishable with fine which may extend to twenty thousand rupees or imprisonment for a term which may extend to six months or with both, and in case the establishment is in commercial manufacturing of vaccines or medicine, a temporary suspension of licence up to a period of one year may also be imposed.

CHAPTER VII

MISCELLANEOUS

36. Power to delegate.- The State Government may, by notification, delegate to any officer or authority subordinate to it, all or any of the powers conferred on it by or under this Act, except the powers to make rules under sub-section (2) of section 42.

37. Officers and authorities to function subject to Government control.- All officers and authorities under this Act shall exercise their powers and discharge their duties conferred or imposed on them by or under this Act, in accordance with such orders, not inconsistent with the provisions of this Act, as the Central Government or the State Government may, from time to time, make.

38. Power to amend the Schedule.- (1) The Central Government may, by notification, add to, or omit from the Schedule any animal disease and the said disease shall, as from the date of the notification, be deemed to have been added to, or omitted from, the Schedule.

(2) Every notification issued under sub-section (1) shall, as soon as may be after it is issued, be laid before each House of Parliament.

39. Power to issue directions.- The Central Government may, with the object of prevention, control and eradication of any infectious or contagious disease of animals, issue such directions to the State Government or other authorities under this Act, from time to time, including directions for furnishing such returns and statistics on scheduled diseases, and vaccination, as it may deem fit and every such direction shall be complied with.

40. Certain persons to be public servants.- Every Competent Officer, Director and Veterinary Officer, while exercising any power or performing any duty under this Act. shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code. (45 of 1860)

41. Power to remove difficulties.- If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made after the expiry of a period of two years from the date of commencement of this Act.

(2) Every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament.

42. Power of Central Government to make rules.- (1) The Central Government may, subject to the condition of previous publication, by notification, make rules for carrying out the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:

(a) the form of vaccination certificate and the particulars which such certificate shall contain, under section 9;

(b) the manner of disposal of carcass, under section 26;

(c) the manner of conducting examination and post-mortem under sub-section (1) and the form of report of post-mortem under sub-section (2) of section 27;

(d) any other matter which may be prescribed or in respect of which rules are required to be made by the Central Government.

43. Power of State Government to make rules.- (1) The State Government may, by notification and with the prior approval of the Central Government, make rules for carrying out the purposes of this Act.

(2) in particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:-

(a) the form of permit to be granted by the officer in charge of a Quarantine Camp, under sub-section (4) of section 14;

(b) the manner of inspection and the period of detention of an animal at a Check Post or at a Quarantine Camp for the administration of compulsory vaccination and marking of animals and the form and manner of issue of entry permit, under subsection (2) of section 15;

(c) any other matter in respect of which rule is to be or may be made by the State Government.

44. Laying of rules.- (1) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

(2) Every rule made by the State Government under this Act shall be laid, as soon as may be after it is made, before the State Legislature.

45. Repeal and savings.- On the commencement of this Act-

(i) The Glanders and Farcy Act, 1899; (13 of 1899)

(ii)The Dourine Act, 1910; and (5 of 1910)

(iii) any other corresponding law of any State, so far as it is inconsistent with the provisions of this Act,

shall stand repealed:

Provided that nothing contained in this section shall-

(a) affect the previous operation of any such provision of law or anything duly done or suffered there under.

(b) affect any right, privilege, obligation or liability acquired, accrued or incurred under any such provision of law;

(c) affect any penalty, forfeiture or punishment incurred in respect of any offence committed against any such provision of law; or

(d) affect any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid; and every such investigation, legal proceeding or remedy may be continued, instituted or enforced, and any such penalty, forfeiture and punishment may be imposed, as if the aforesaid provisions of law had continued:

Provided further that, anything done or any action taken under any such provision of law, including any notification, order, notice or receipt issued or declaration made, shall in so far as it is not inconsistent with the provisions of this Act, be deemed to have been done, taken, issued or made under the corresponding provisions of this Act, and shall continue in force accordingly, unless and until superseded by anything done or any action taken under this Act.

THE SCHEDULE

[See sections 2 (o) and 38]

(a) Multiple species diseases

1. Anthrax.
2. Aujeszky's disease.
3. Bluetongue.
4. Brucellosis.
5. Crimean Congo haemorrhagic fever.
6. Echinococcosis/hydatidosis.
7. Foot and mouth disesase.
8. Heartwater.
9. Japanese encephalitis.
10. Leptospirosis.
11. New world screwworm (Cochliomyia hominivorax).
12. Old world screwworm (Chrysomya bezziana).
13. Paratuberculosis.
14. Q fever.
15. Rabies.
16. Rift Valley fever.
17. Rinderpest.
18. Trichinellosis.
19. Tularemia.
20. Vesicular stomatitis.
21. WestNile fever.

(b) Cattle diseases

1. Bovine anaplasmosis.
2. Bovine babesiosis.
3. Bovine genital campylobacteriosis.
4. Bovine spongiform encephalopathy.
5. Bovine tuberculosis.
6. Bovine viral diarrhoea.
7. Contagious bovine pleuropneumonia.
8. Enzootic bovine leucosis.
9. Haemorrhagic septicaemia.
10. Infectious bovine rhinotracheitis/infectious pustular vulvovaginitis.
11. Lumpy skin disease,
12. Malignant catarrhal fever.
13. Theileriosis.
14. Trichomonosis.
15. Trypanosomosis.

(c) Sheep and goat diseases

1. Caprine arthritis/encephalitis.
2. Contagious agalactia.
3. Contagious caprine pleuropneumonia.
4. Enzootic abortion of ewes (ovine chlamydiosis).
5. Maedi-visna.
6. Nairobi sheep disease.
7. Ovine epididymitis (Brucellaovis).
8. Peste des petits ruminants.
9. Salmonellosis (S. abortusovis).
10. Scrapie.
11. Sheep pox and goat pox.

(d) Equine diseases

1. African horse sickness.
2. Contagious equine metritis.
3. Dourine.
4. Equine encephalomyelitis (Eastern),
5. Equine encephalomyelitis (Western).
6. Equine infectious anaemia.
7. Equine Influenza.
8. Equine piroplasmosis.
9. Equine rhinopneumonitis.
10. Equine viral arteritis.
11. Glanders.
12. Surra (Trypanosoma evansi)
13. Venezuelan equine encephalomyelitis.

(e) Swine diseases

1. African swine fever.
2. Classical swine fever.
3. Nipah virus encephalitis.
4. Porcine cysticercosis.
5. Porcine reproductive and respiratory syndrome.
6. Swine vesicular disease.
7. Transmissible gastroenteritis.

(f) Avian diseases

1. Avian chlamydiosis.
2. Avian infectious bronchitis.
3. Avian infectious laryngotracheitis.
4. Avian mycoplasmosis (M. gallisepticum).
5. Avian mycoplasmosis (M synoviae).
6. Duck virus hepatitis.

7. Fowl cholera.
8. Fowl typhoid.
9. Highly pathogenic avian influenza and low pathogenic avian influenza in poultry.
10. Infectious bursal disease (Gumboro disease).
11. Marek's disease.
12. Newcastle disease.
13. Pullorum disease.
14. Turkey rhinotracheitis.

(g) Lagomorph diseases

1. Myxomatosis.
2. Rabbit haemorrhagic disease.

(h) Bee diseases

1. Acarapisosis of honey bees.
2. American foulbrood of honey bees.
3. European foulbrood of honey bees.
4. Small hive bettle infestation (Aethina tumida).
5. Tropilaelaps infestation of honey bees.
6. Varroosis of honey bees.

(i) Fish diseases

1. Epizootic haematopoietic necrosis.
2. Infectious haematopoietic necrosis.
3. Spring viraemia of carp.
4. Viral haemorrhagic septicaemia.
5. Infectious pancreatic necrosis.
6. Infectious salmon anaemia.
7. Epizootic ulcerative syndrome.
8. Bacterial kidney disease (Renibacterium salmoninarum).
9.Gyrodactylosis (Gyrodactylus salaris).
10. Red sea bream iridoviral disease.

(j) Mollusc diseases

1. Infection with Bonamia ostreae.
2. infection with Bonamia exitiosa
3. Infection with Marteilia refringens.
4. Infection with Mikrocytos mackini.
5. Infection with Perkinsus marinus.
6. Infection with Perkinsus olseni.
7. Infection with Xenohaliotis californiensis.

(k) Crustacean diseases

1. Taura syndrome.
2. White spot disease.
3.Yellowhead disease.

4. Tetrahedral baculovirosis (Baculovirus penaei).

5. Spherical baculovirosis (Penaeus monodon-type baculovirus).

6. Infectious hypodermal and haematopoietic necrosis.

7. Crayfish plague (Aphanomyces astaci).

(I) Other diseases

1.Camelpox.

2. Leishmaniosis.

N.L. MEENA,

Additional Secretary to the Govt. of India.

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ,

ಆರ್. ಆಂಜಿನಿ

ಸಹಾಯಕ ಪ್ರಾರೂಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ

ಪಿ.ಆರ್. 43

ಸರ್ಕಾರದ ಅಧೀನ ಕಾರ್ಯದರ್ಶಿ,

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ.

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಸಚಿವಾಲಯ

ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 39 ಕೇಶಾಪ್ರ 2009, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 19ನೇ ಮೇ 2009

2009ನೇ ಸಾಲಿನ ಮಾರ್ಚ್ 20ನೇ ದಿನಾಂಕದ ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟಿನ ವಿಶೇಷ ಸಂಚಿಕೆಯ ಭಾಗ–II ಸೆಕ್ಷನ್ 1 ರಲ್ಲಿ ಪ್ರಕಟವಾದ ಈ ಕೆಳಕಂಡ The Carriage by Air (Amendment) Act, 2009 (Act No. 28 of 2009) ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯ ಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 20th March, 2009 / Phalguna 29, 1930 (Saka)

The following Act of Parliament received the assent of the President on the 20th March, 2009, and is hereby published for general information :-

THE CARRIAGE BY AIR (AMENDMENT) ACT, 2009

No. 28 OF 2009

[20th March, 2009]

An Act further to amend the Carriage by Air Act, 1972.

BE it enacted by Parliament in the Sixtieth Year of the Republic of India as follows :-

1. Short title and commencement.- (1) This Act may be called the Carriage by Air (Amendment) Act, 2009.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. Amendment of long title.- In the Carriage by Air Act, 1972 (69 of 1972) (hereinafter referred to as the principal Act), in the long title, for the words "and to make provision for', the words, figures and letters "and also to the Montreal Convention signed on the 28th day of May, 1999 and to make provision for" shall be substituted.

3. Amendment of section 2.- In section 2 of the principal Act, after clause (ii), the following clauses shall be inserted, namely:-

(iii) "Montreal Convention' means the Convention for the unification of certain rules for international carriage by air signed at Montreal on the 28th day of May, 1999;

(iv) "Annexure" means the Annexure annexed to this Act.'

4. Amendment of section 3.- In section 3 of the principal Act,

(a) for sub-section (2), the following sub-section shall be substituted, namely:

"(2) For the purpose of this Act, the High Contracting Parties to the Convention and the date of enforcement of the said Convention shall be such as are included in Part I of the Annexure.";

(b) for sub-section (5), the following sub-section shall be substituted, namely:-

"(5) The Central Government may, having regard to the objects of this Act, and if it considers necessary or expedient so to do, by notification in the Official Gazette, add to, or, as the case may be, omit from, Part of the Annexure, any High Contracting Party and on such addition, or as the case may be, omission, such High Contracting Party shall be or shall cease to be, a High Contracting Party.".

5. Amendment of section 4.- In section 4 of the principal Act, for sub-section (2), the following sub-sections shall be substituted, namely:

"(2) For the purpose of this Act, the High Contracting Parties in the amended Convention and the date of enforcement of the said amended Convention shall be such as are included in Part II of the Annexure.

(2A) The Central Government may, having regard to the objects of this Act, and if it considers necessary or expedient so to do, by notification in the Official Gazette, add to, or, as the case may be, omit from, Part II of the Annexure, any High Contracting Party and on such addition, or, as the case may be, omission, such High Contracting Party shall be or shall cease to be, a High Contracting Party.".

6. Insertion of new section 4A.- After section 4 of the principal Act, the following section shall be inserted, namely:-

"4A. Application of Montreal Convention to India.- (1) The rules contained in the Third Schedule, being the provisions of the Montreal Convention relating to the rights and liabilities of carriers passengers, consignors, consignees and other persons, shall, subject to the provisions of this Act, have the force of' law in India in relation to any carriage by air to which those rules apply, irrespective of the nationalities of the aircraft performing the carriage.

(2) For the purpose of this Act, the State Parties to the Montreal Convention and the date of enforcement of the said Montreal Convention shall be such as are included in Part III of the Annexure.

(3) Any reference in the 'third Schedule to the territory of any State Party to the Montreal Convention shall be construed as a reference to all the territories in respect of which he is party.

(4) Any reference in the Third Schedule to agents of the carrier shall be construed as including a reference to servants of the carrier.

(5) The Central Government may, having regard to the objects of this Act, and if it considers necessary or expedient so to do, by notification in the Official Gazette, add to, or, as the case may be, omit from, Part III of the Annexure, any State party and on such addition, or, as the case may be, omission, such State Party shall be or shall cease to be, a State Party."

7. Amendment of section 5.- In section 5 of the principal Act,-

(a) in sub-section (1), for the words "the First Schedule and in the Second Schedule", the words "the First Schedule, the Second Schedule and the Third Schedule" shall be substituted;

(b) in sub-section (5), for the words "the First Schedule or of the Second Schedule", the words "the First Schedule or the Second Schedule or the Third Schedule" shall be substituted.

8. Insertion of new section 6A.- After section 6 of the principal Act, the following section shall be inserted, namely:-

"6A. Conversion of Special Drawing Rights.- Any sum in Special Drawing Rights mentioned in rules 21 and 22 of the Third Schedule shall, for the purpose of any action against a carrier, be converted into rupees at the rate of exchange prevailing on the date on which the amount of damages to be paid by the carrier is ascertained by the Court in accordance with the provisions of rule 23 of the said Third Schedule.".

9. Amendment of section - In section 8 of the principal Act, for sub-section (3), the following sub-section shall be substituted filed, namely;

"(3)The Central Government may, by notification in the Official Gazette, apply the rules contained in the Third Schedule and any provision of section 4A or section 5 or section 6A to such carriage by air, not being international carriage by air as defined in the Third Schedule, as may be specified in the notification, subject, however, to such exceptions, adaptations and modifications, if any, as may be so specified.".

10. Insertion of Third Schedule and Annexure.- After the Second Schedule to the principal Act, the following Schedule and Annexure shall be inserted, namely:—

'THE THIRD SCHEDULE

(See section 4A)

RULES

CHAPTER I

SCOPE OF APPLICATION

1. (1) These rules shall apply to all international carriage of persons, baggage or cargo performed by aircraft for reward. They shall apply also to such carriage when performed gratuitously by an air transport undertaking.

(2) In these rules, unless the context otherwise requires,-

(a) "baggage" means both checked baggage and unchecked baggage;

(b) "days" means calendar days and not working days;

(c) "depository" means the International Civil Aviation Organisation;

(d) "State Party" means a signatory or acceding State to the Montreal Convention whose instrument of ratification, or accession has been deposited with the depository.

(3) For the purposes of these rules, the expression "international carriage" means any carriage in which, according to the agreement between the parties, the place of departure and the place of destination, whether or not there be a break in the carriage or a transhipment, are situated either within the territories of two State Parties, or within the territory of a single State Party if there is an agreed stopping place within the territory of another. State, even if that State is not a state Party. A carriage between two points within the territory of a single State Party without an agreed stopping place within the territory of another State shall not be deemed to be international carriage for the purposes of these rules.

(4) A carriage to be performed by several successive air carriers shall be deemed for the purposes of these rules, to be one undivided carriage if it has been regarded by the parties as a single operation, whether it has been agreed upon under the form of a single contractor of a series of contracts, and it shall not lose its international character merely because one contract or a series of contracts is to be performed entirely within the territory of the same State.

(5) These rules shall apply also to carriage as set out in Chapter V, subject to the terms contained therein.

2. (1) These rules shall apply to carriage performed by the State or by legally constituted public bodies provided it falls within the conditions laid down in rule 1.

(2) In the carriage of postal items, the carrier shall be liable only to the relevant postal administration in accordance with the rules applicable to the relationship between the carriers and the postal administration.

(3) Except as provided in sub-rule (2), these rules shall not apply to the carriage of postal items.

CHAPTER II

DOCUMENTATION AND DUTIES OF THE PARTIES RELATING TO THE CARRIAGE OF PASSENGERS, BAGGAGE AND CARGO

3. (1) In respect of carriage of passengers, an individual or collective document of carriage shall be delivered containing-

(a) an indication of the places of departure and destination;

(b) If the places of departure and destination are within the territory of a single State Party, one of more agreed stopping places being within the territory of another State, an indication of at least one of such stopping places.

(2) Any other means which preserves the information indicated in sub-rule (1) may be substituted for the delivery of the document referred to in that sub-rule. If any such other means is used, the carrier shall offer to deliver to the passenger a written statement of the information so preserved.

(3) The carrier shall deliver to the passenger a baggage identification tag for each piece of checked baggage.

(4) The passenger shall be given written notice to the effect that where these rules are applicable it governs and may limit the liability of carriers in respect of death or injury and for destruction or loss of, or damage to, baggage, and for delay.

(5) Non-compliance with the provisions of sub-rules (1), (2) and (3) shall not affect the existence or the validity of the contract of carriage, which shall, nonetheless, be subject to these rules including those relating to limitation of liability.

4. (1) In respect of the carriage of cargo, an air waybill shall be delivered.

(2) Any other means which preserves a record of the carriage to be performed may be substituted for the delivery of an air waybill if such other means are used, the carrier shall, if so requested by the consignor, deliver to the consignor a cargo receipt permitting identification of the consignment and access to the information contained in the record preserved by such other means.

5. The air waybill or the cargo receipt shall include-

(a) an indication of the places of departure and destination;

(b) if the places of departure and destination are within the territory of a single State Party, one or more agreed stopping places being within the territory of another State, an indication of at least one of such stopping places; and

(c) an indication of the weight of the consignment.

6. The consignor may be required, if necessary to meet the formalities of customs, Police and Similar public authorities, to deliver a document indicating the nature of the cargo. This provision shall not create for the carrier any duty, obligation or liability resulting there from.

7. (1) The air waybill shall be made out by the consignor in three original parts. The first part shall be marked "for the carrier" and it shall be signed by the consignor. The second part shall be marked “for the consignee” and it shall be signed by the consignor and by the carrier. The third part shall be signed by the carrier who shall hand it to the consignor after the cargo has been accepted.

(2) The signature of the carrier and of the consignor may be printed or stamped.

(3) If, at the request of the consignor, the carrier makes out the air waybill, the carrier shall be deemed, subject to proof to the contrary, to have done so on behalf of the consignor.

8. When there is more than one package-

(a) the carrier has the right to require the consignor to make out separate air waybills;

(b) the consignor, of the right to require the carrier to deliver separate cargo receipts when the other means referred to in sub-rule (2) of rule 4 me used.

9. Non-compliance with the provisions of rules 4, 5, 6, 7 and 8 shall not affect the existence or the validity of the contract of carriage, which shall, nonetheless, be subject to these rules including those relating to limitation of liability.

10. (1) The consignor is responsible for the correctness of the particulars and statements relating to the cargo inserted by it or on its behalf in the air waybill or furnished by it or on its behalf to the carrier for insertion in the cargo receipt or for insertion in the record preserved by the other means referred to in sub-rule (2) of rule 4. The foregoing shall also apply where the person acting on behalf of the consignor is also the agent of the carrier.

(2) The consignor shall indemnify the carrier against all damage suffered by it, or by any other person to whom the carrier is liable, by reason of the irregularity, incorrectness or incompleteness of the particulars and statements furnished by the consignor or on its behalf.

(3) Subject to the provisions of sub-rules (1) and (2), the carrier shall indemnify the consignor against all damages suffered by it, or by any other person to whom the consignor is liable, by reason of the irregularity, incorrectness or incompleteness of the particulars and statements inserted by the carrier or on its behalf in the cargo receipt or in the record preserved by the other means referred to in sub-rule (2) of rule 4.

11. (1) The air waybill or the cargo receipt shall be prima facie evidence of the conclusion of the contract, of the acceptance of the cargo and of the conditions of carriage mentioned therein.

(2) Any statements in the air waybill or the cargo receipt relating to the weight, dimensions and packing of the cargo, as well as those relating to the number of packages, are prima facie evidence of the facts stated therein; those relating to the quantity, volume and condition of the cargo do not constitute evidence against the carrier except so far as they both have been, and are stated in the air waybill or the cargo receipt to have been, checked by it in the presence of the consignor, or relate to the apparent condition of the cargo.

12. (1) Subject to its liability to carry out all its obligations under the contract of carriage, the consignor has the right to dispose of’ the cargo by withdrawing it at the airport of departure or destination, or by stopping it in the course of the Journey on any landing, or by calling for it to be delivered at the place of destination or in the course of the journey to a person other than the consignee originally

designated, or by requiring it to be returned to the airport of departure. The consignor shall not exercise this right of disposition in such a way as to prejudice the carrier or other consignors and shall reimburse any expenses occasioned by the exercise of this right.

(2) If it is impossible to carry out the instructions of the consignor, the carrier shall so inform the consignor forthwith.

(3) If the carrier carries out the instructions of the consignor for the disposition of the cargo without requiring the production of the part of the air waybill or the cargo receipt delivered to the latter, the carrier shall be liable, without prejudice to its right of recovery from the consignor, for any damage which may be caused thereby to any person who is lawfully in possession of that part of the air waybill or the cargo receipt.

(4) The right conferred on the consignor ceases at the moment when that of the consignee begins in accordance with rule 13. Nevertheless, if the consignee declines to accept the cargo, or cannot be communicated with, the consignor shall resume its right of disposition.

13. (1) Except when the consignor has exercised its right under rule 12, the consignee shall be entitled, on arrival of the cargo at the place of destination, to require the carrier to deliver the cargo to it, on payment of the charges due and on complying with the conditions of carriage.

(2) Unless it is otherwise agreed, it shall be the duty of the carrier to give notice to the consignee as soon as the cargo arrives.

(3) If the carrier admits the loss of the cargo, or if the cargo has not arrived at the expiration of seven days after the date on which it ought to have arrived, the consignee shall be entitled to enforce against the carrier the rights which flow from the contract of carriage.

14. The consignor and the consignee may respectively enforce all the rights given to them by rules 12 and 13. each in its own name, whether it is acting in its own interest or in the interest of another, provided that it carries out the obligations imposed by the contract of carriage.

15.(1) The provisions of rules 12, 13 and 14 shall not affect either the relations of the consignor and the consignee with each other or the mutual relations of third parties whose rights are derived either from the consignor or from the consignee.

(2) The provisions of rules 12, 13 and 14 shall be varied only by express provision in the air waybill or the cargo receipt.

16. (1)The consignor shall furnish such information and such documents as are necessary to meet the formalities of customs, police and any other public authorities before the cargo can be delivered to the consignee, The consignor shall be liable to the carrier for any damage occasioned by the absence, insufficiency or irregularity of any such information or documents, unless the damage is due to the fault of the carrier, its servants or agents.

(2) The carrier shall be under no obligation to enquire into the correctness or sufficiency of such information or documents.

CHAPTER III

LIABILITY OF THE CARRIER AND EXTENT OF COMPENSATION FOR DAMAGES

17. (1) The carrier shall be liable for damages sustained in case of death or bodily injury of a passenger upon condition only that the accident which caused the death or injury took place on board the aircraft or in the course of any of the operations of embarking or disembarking.

(2) The carrier shall be liable for damages sustained in case of destruction or loss of, or of

damage to checked baggage upon condition only that the event which caused the destruction, loss or damage took place on board the aircraft or during any period within which the checked baggage was in the charge of the carrier. However, the carrier shall not be liable if and to the extent that the damage resulted from the inherent defect, quality or vice of the baggage. In the case of unchecked baggage, including personal items, the carrier is liable if the damage has resulted from its fault or that of its servants or agents,

(3) If the carrier admits the loss of the checked baggage, or if the checked baggage has not arrived at the expiration of twenty-one days after the date on which it ought to have arrived, the passenger shall be entitled to enforce against the carrier the rights which flow from the contract of carriage.

18. (1) The carrier shall be liable for damages sustained in the event of the destruction or loss of, or damage to, cargo upon condition only that the event which caused the damage so sustained took place during the carriage by air.

(2) However, the carrier shall not be liable if and to the extent it proves that the destruction, or loss of, or damage to, the cargo resulted from one or more of the following:—

(a) inherent defect, quality or vice of that cargo;

(b) defective packing of that cargo performed by a person other than the carrier or its servants or agents;

(c) an act of war or an armed conflict; and

(d) an act of public authority carried out in connection with the entry, exit or transit of the cargo.

(3) The carriage by air within the meaning of sub-rule (1) comprises the period during which the cargo is in charge of the carrier.

(4) The period of the carriage by air shall not extend to any carriage by land, by sea or by inland waterway performed outside an airport. If, however, such carriage takes place in the performance of a contract for carriage by air, for the purpose of loading, delivery or transhipment, any damage is presumed, subject to proof to the contrary, to have been the result of an event which took place during the carriage by air. If a carrier, without the consent of the consignor, substitutes carriage by another mode of transport for the whole or part of a carriage intended by the agreement between the parties to be carriage by air, such carriage by another mode of transport is deemed to be within the period of carriage by air.

19. The carrier shall be liable for damage occasioned by delay in the carriage by air of passengers, baggage or cargo. Nevertheless, the carrier shall not be liable for damage occasioned by delay if it proves that it and its servants and agents took all measures that could reasonably be required to avoid the damage or that it was impossible for it or them to take such measures.

20. If the carrier proves that the damages was caused or contributed to by the negligence or other wrongful act or omission of the person claiming compensation, or the person from whom he or she derives his or her rights, the carrier shall be wholly or partly exonerated from its liability to the claimant to the extent that such negligence or wrongful act or omission caused or contributed to the damage. When by reason of death or injury of a passenger compensation is claimed by a person other than the passenger, the carrier shall likewise be wholly or partly exonerated from its liability to the extent that it proves that the damage was caused or contributed to by the negligence or other wrongful act or omission of that passenger. This rule applies to all the liability provisions of these rules, including sub-rule (1) of rule 21.

21. (1) For damages arising under sub-rule (I) of rule 17 not exceeding one lakh Special Drawing Rights for each passenger, the carrier shall not be able to exclude or limit its liability.

(2) The carrier shall not be liable for damages arising under sub-rule (I) of rule 17 to the extent that they exceed for each passenger one lakh Special Drawing Rights if the carrier proves that-

(a) such damage was not due to the negligence or other wrongful act or omission of the carrier or its servants or agents; or

(b) such damage was solely due to the negligence or other wrongful act or omission of a third party.

22. (1) In the case of damage caused by delay as specified in rule 19 in the carriage of persons, the liability of the carrier for each passenger is limited to four thousand one hundred and fifty Special Drawing Rights.

(2) In the carriage of baggage, the liability of the carrier in the case of destruction, loss, damage or delay shall be limited to one thousand Special Drawing Rights for each passenger unless the passenger has made, at the time when the checked baggage was handed over to the carrier, a special declaration of interest in delivery at destination and has paid a supplementary sum, if so required. In that case, the carrier shall be liable to pay a sum not exceeding the declared sum, unless it proves that the sum is greater than the passenger's actual interest in delivery at destination.

(3) In the carriage of cargo, the liability of the carrier in the case of destruction, loss, damage or delay is limited to a sum of seventeen Special Drawing Rights per kilogramme, unless the consignor has made, at the time when the package was handed over to the carrier, a special declaration of interest in delivery at destination and has paid a supplementary sum, if so required. In that case, the carrier the shall be liable to pay a sum not exceeding the declared sum, unless it proves that time sum is greater than the consignor's actual interest in delivery at destination.

(4) In the case of delay, destruction, loss or damage of part of the cargo, or of any object contained therein, the weight to be taken into consideration in determining the amount to which the carrier's liability is limited shall be only the total weight of the package or packages concerned. Nevertheless, when the delay, destruction, loss or damage of a part of the cargo, or of an object contained therein, affects the value of other packages covered by the same air waybill, or the same receipt or, if they were not issued, by the same record preserved by other means referred to in sub-rule (2) of rule 4, the total weight of such package or packages shall also be taken into consideration in determining the limit of liability.

(5) The provisions of sub-rules (I) and (2) shall not apply if it is proved that the damage resulted from an act or omission of the carrier, its servants or agents, done with intent to cause damage or recklessly and with knowledge that damage would probably result:

Provided that, in the case of such act or omission of a servant or agent, it is also proved that such servant or agent was acting within the scope of its employment.

(6) The limits prescribed in rule 21 and in this rule shall not prevent the court from awarding, in accordance with its own law, in addition, the whole or part of the court costs and of the other expenses of the litigation incurred by the plaintiff, including interest. The foregoing provision shall not apply if the amount of the damages awarded, excluding court costs and other expenses of the litigation, does not exceed the sum which the carrier has offered in writing to the plaintiff within a period of six months from the date of the occurrence causing the damage, or before the commencement of the action, if that is later.

23. The sums mentioned in terms of Special Drawing Right in these rules shall be deemed to refer to the Special Drawing Right as defined by the International Monetary Fund and its conversion into national currencies shall, in case of judicial proceedings, be made in accordance with the method of valuation applied by the international Monetary Fund, in effect at the date of the Judgment, for his operations and transactions.

24. (1) Without prejudice to the provisions of rule 25 and subject to sub-rule (2), the limits of liability prescribed in rules 21, 22 and 23 shall be reviewed by the depository at five-year intervals, the first such review to take place at the end of the fifth year following the date of coming into force of these rules. The measure of the rate of inflation to be used in determining the inflation factor shall be time weighted average of the annual rates of increase or decrease in the Consumer Price Indices of the States whose currencies comprise the Special Drawing Right mentioned in rule 23.

(2) If the review referred to in sub-rule (1) concludes that the inflation factor has exceeded ten percent., the depositary shall notify State Parties of a revision of the limits of liability. Any such revision shall become effective six months after its notification to the State Parties. If within three months after its notification to the State Parties, a majority if the State Parties register their disapproval, the revision shall not become effective and the depositary shall refer the matter to a meeting of the State Parties. The depositary shall immediately notify all States parties about the coming into force of any revision.

(3) Notwithstanding anything contained in sub-rule (1), the procedure referred to in sub-rule (2) shall be applied at any time provided that one-third of the State Parties express a desire to that effect and upon condition that the inflation factor referred to in sub-rule (1) has exceeded thirty per cent, since the previous revision or since the date of entry into force of the Montreal Convention if there has been no previous revision. Subsequent reviews using the procedure specified in sub-rule (1) shall take place at five-year intervals starting at the end of the fifth year following the date of the reviews under the provisions of this sub-rule.

25. A carrier may stipulate that the contract of carriage shall be subject to higher limits of liability than those provided for in these rules or to no limits of liability whatsover.

26, Any provision tending to relieve the carrier of liability or to fix a lower limit than that which is laid down in these rules shall be null and void, but the nullity of any such provision does not involve the nullity of the whole contract, which shall remain subject to the provisions of these rules.

27. Nothing contained in these rules shall prevent time carrier from refusing to enter into any contract of carriage, from waiving any defence available in these rules, or from laying down conditions, which are not contrary to the provisions of these rules.

28. Notwithstanding anything contained in any other law for the time being in force, where the aircraft accident results in death or injury of passengers, the carrier shall make advance payments without delay to a natural person or persons who are entitled to claim compensation in order to meet the immediate economic needs of such persons. Such advance payments shall not constitute a recognition of liability and may be offset against any amounts subsequently paid as damages by the carrier.

29. In the carriage of passengers, baggage and cargo, any action for damages, however founded, whether under these rules or in contract or in tort or otherwise, can only be brought subject to the conditions and such limits of liability as are set out in these rules without prejudice to the question as to who are the persons who have the right to bring suit and what are their respective rights. In any such action, punitive, exemplary or any other non-compensatory damages shall not be recoverable.

30. (1) If an action is brought against a servant or agent of the carrier arising out of damage to which these rules relate, such servant or agent, if they prove that they acted within the scope of their employment, shall be entitled to avail themselves of the conditions and limits of liability which the carrier itself is entitled to invoke under these rules.

(2) The aggregate of the amounts recoverable from the carrier, its servants and agents, in that case, shall not exceed the said limits.

(3) Except in respect of the carriage of cargo, the provisions of sub-rules (1) and (2) shall not apply if it is proved that the damage resulted from an act or omission of the servant or agent done with intent to cause damage or recklessly and with the knowledge that damage would probably result.

31. (1) Receipt by the person entitled to delivery of checked baggage or cargo without complaint is prima facle evidence that the same has been delivered in good condition and in accordance with the document of carriage or with the record preserved by the other means referred to in sub-rule (2) of rule 3 and sub-rule (2) of rule 4.

(2) In the case of damage, the person entitled to delivery shall make a complaint to the carrier forthwith after the discovery of the damage, and, at the latest, within seven days from the date of receipt in the case of checked baggage and fourteen days from the date of receipt in the case of cargo. In the case of delay, the complaint shall be made at the latest within twenty-one days from the date on which the baggage or cargo have been placed at his disposal.

(3) Every complaint shall be made in writing and given or dispatched within the period specified in sub-rule (2).

(4) If no complaint is made within the period specified in sub-rule (2), no action shall lie against the carrier, except in the case of fraud committed by the carrier.

32. In the case of the death of the person liable, an action for damages lies in accordance with these rules against those legally representing his or her estate.

33. (1) An action for damages shall be brought, at the option of the claimant of damages, in the territory of one of the State Parties, either before the court of the domicile of the carrier or of Its principal place of business, or where it has a place of business through which the contract has been made or before the court at the place of destination.

(2) In respect of damage resulting from the death or injury of a passenger, an action may be brought before one of the courts mentioned in sub-rule (I), or in the territory of a State Party in which at the time of the accident the passenger has his or her principal and permanent residence and to or from which the carrier operates services for the carriage of passengers by air, either on its own aircraft, or on another carrier's a aircraft pursuant to a commercial agreement, and in which that carrier conducts its business of carriage of passengers by air from premises leased or owned by the carrier itself or by another carrier with which it has a commercial agreement.

(3) For the purposes of sub-rule (2)-

(a) "commercial agreement" means an agreement, other than an agency agreement, made between carriers and relating to the provision of their joint services for carriage of passengers by air;

(b) "principal and permanent residence" means the one fixed and permanent abode of the passenger at the time of the accident. The nationality of the passenger shall not be the determining factor in this regard.

(4) Questions of procedure shall be governed by the law of the court seized of the case.

34. (1) Subject to the provisions of this rule, the parties to the contract of carriage for cargo may stipulate that any dispute relating to the liability of the carrier under these rules shall be settled by arbitration. Such agreement shall be in writing.

(2) The arbitration proceedings shall, at the option of the claimant, take place within one of the jurisdictions referred to in rule 33.

(3) The arbitrator or arbitration tribunal shall apply the provisions of these rules.

(4) The provisions of sub-rules (2) and (3) shall be deemed to be part of every arbitration clause or agreement, and any term of such clause or agreement which is inconsistent therewith shall be null and void.

35. (1) The right to damages shall be extinguished if an action is not brought within a period of two years, reckoned from the date of arrival at the destination, or from the date on which the aircraft ought to have arrived, or from the date on which the carriage stopped.

(2) The method of calculating the period shall be determined by the law of the court seized of the case,

36. (1) In the case of carriage to be performed by various successive carriers and falling within the definition set out in sub-rule (4) of rule I, each carrier which accepts passengers, baggage or cargo shall be subject to the provisions of these rules and shall be deemed to be one of the parties to the contract of carriage in so far as the contract deals with that part of the carriage which is performed under its supervision.

(2) In the case of carriage of this nature, the passenger or any person entitled to compensation shall be entitled to take action only against the carrier which performed the carriage during which the accident or the delay occurred, except where, by express agreement, the first carrier has assumed liability for the whole journey.

(3) In respect of baggage or cargo, the passenger or consignor shall have a right of action against the first carrier, and the passenger or consignee who is entitled to delivery shall have a right of action against the last carrier, and further, each may take action against the carrier which performed the carriage during which the delay, destruction, loss or damage took place. These carriers shall be jointly and severally liable to the passenger or to the consignor or consignee.

37. Nothing in these rules shall prejudicially affect the right of a person liable for damages to take recourse against any other person.

CHAPTER IV

COMBINED CARRIAGE

38. (1) In the case of combined carriage performed partly by air and partly by any other mode of carriage, the provisions of these rules shall, subject to the provisions of sub-rule (4) of rule 18, apply only to the carriage by air, provided that the carriage by air Falls within the meaning of rule 1.

(2) Nothing in these rules shall prevent the parties in the case of combined carriage from inserting in the document of air carriage conditions relating to other modes of carriage, provided that the provisions of these rules are observed with regard to carriage by air.

CHAPTER V

CARRIAGE BY AIR PERFORMED BY A PERSON OTHER THAN THE CONTRACTING CARRIER

39. The provisions of this Chapter shall apply when a person (hereinafter referred to as the contracting carrier) as a principal makes a contract of carriage under these rules with a passenger or consignor or with a person acting on behalf of the passenger or consignor, and another person (hereinafter referred to as the actual carrier) performs, by virtue of authority from the contracting carrier, the whole or part of the carriage, but is not with respect to such part, a successive carrier within the meaning of these rules. Such authority shall be presumed in the absence of proof to the contrary.

40. If an actual carrier performs the whole or part of carriage which, according to the contract referred to in rule 39, is governed by these rules, both the contracting carrier and the actual carrier shall, except as otherwise provided in this Chapter, be subject to the provisions of these rules, the former for the whole of the carriage contemplated in the contract, the latter solely for the carriage which it per forms.

41. (1) The acts and omission's of the actual carrier and of its servants and agents acting within the scope of their employment shall, in relation to the carriage performed by the actual carrier, be deemed to be also those of the contracting carrier.

(2) The acts and omissions of the contracting carrier and of its servants and agents acting within the scope of their employment shall, in relation to the carriage performed by the actual carrier, be deemed to be also those of the actual carrier. Nevertheless, no such act or omission shall subject the actual carrier to liability exceeding the amounts referred to in rules 21, 22, 23 and 24. Any special agreement under which the contracting carrier assumes obligations not imposed by the provisions of these rules or any waiver of rights or defences conferred by the provisions of these rules or any special declaration of interest in delivery at destination contemplated in rule 22 shall not affect the actual carrier unless agreed to by it.

42. Any complaint to be made or instruction to be given under the provisions of these rules to the carrier shall have the same effect whether addressed to the contracting carrier or to the actual carrier. Nevertheless, instructions referred to in rule 12 shall only be effective if addressed to the contracting carrier.

43. In relation to the carriage performed by the actual carrier, any servant or agent of that carrier or of the contracting carrier shall, if they prove that they acted within the scope of their employment, be entitled to avail themselves of the conditions and limits of liability which are applicable under the provisions of these rules to the carrier whose servant or agent they are, unless it is proved that they acted in a manner that prevents the limits of liability from being invoked in accordance with the provisions of these rules.

44. In relation to the carriage performed by the actual carrier, the aggregate of the amounts recoverable from that carrier and the contracting carrier, and from their servants and agents acting within the scope of their employment, shall not exceed the highest amount which shall be awarded against either the contracting carrier or the actual carrier under the provisions of these rules, but none of the persons mentioned shall be liable for a sum in excess of the limit applicable to that person.

45. In relation to the carriage performed by the actual carrier, an action for damages may be brought, at the option of the complainant, against that carrier or the contracting carrier, or against both together or separately. If the action is brought against only one of these carriers, that carrier shall have the right to require the other carrier to be joined in the proceedings, the procedure and effects being governed by the law of the court seized of the case.

46. Any action for damages contemplated in rule 45 must be brought, at the option of the complainant, in the territory of one of the State Parties, either before a court in which an action may be brought against the contracting carrier, as provided under rule 33, or before the court having jurisdiction at the place where the actual carrier has its domicile or its principal place of business.

47. Any contractual provision lending to relieve the contracting carrier or the actual carrier of liability under this Chapter or to fix a lower limit than that which is applicable according to this Chapter shall be null and void, but the nullity of any such provision does not involve the nullity of the whole contract, which shall remain subject to the provisions of this Chapter.

48. Except as provided in rule 45, nothing in this Chapter shall affect the rights and obligations of the carriers between themselves, including any right of recourse or indemnification.

CHAPTER VI

GENERAL AND FINAL PROVISIONS

49. Any clause contained in the contract of carriage and all special agreements entered into before the damage occurred by which the parties purport to infringe the rules laid down by these rules, whether by deciding the law to be applied, or by altering the rules as to Jurisdiction, shall be null and void.

50. State Parties shall require their carriers to maintain adequate insurance covering their liability under the provisions of the rules. A carrier may be required to furnish evidence that it maintains adequate insurance covering its liability under the provisions of these rules.

51. The provisions of rules 3, 4, 5, 7 and 8 relating to the documentation of carriage shall not apply in the case of carriage performed in extraordinary circumstances outside the normal scope of a carrier's business,

52. The expression "days" when used in this Schedule means calendar days and not working days.

ANNEXURE

[See sub-section (2) of section 3, sub-section (2) of section 4 and sub-section (2) of section 4A]

PART - 1

SI. No.	High Contracting Parties to Convention	Date of enforcement of Convention
(1)	(2)	(3)
1.	Afghanistan	21st May, 1969
2.	Algeria	31st August, 1964
3.	Angola	8th June, 1998
4.	Argentina	19th June, 1952
5.	Armenia	23rd February, 1999
6.	Australia	30th October, 1935
7.	Austria	27th December, 1961
8.	Azerbaijan	23rd April, 2000
9.	Bahamas	10th July, 1973
10.	Bahrain	10th June, 1998
11.	Bangladesh	26th March, 1971
12.	Barbados	30th November, 1966
13.	Belarus	25th December, 1959
14.	Belgium	11th October, 1936
15.	Benin	1st August, 1960
16.	Bolivia	29th March, 1999
17.	Bosnia and Herzegovina	6th March 1992
18.	Botswana	30th September, 1966
19.	Brazil	13th February, 1933
20.	Brunei Darussalam	1st January, 1984

21.	Bulgaria	23rd September, 1949
22.	Burkina Faso	9th March, 1962
23.	Cambodia	12th March, 1997
24.	Cameroon	1st January, 1960
25.	Canada	8th September, 1947
26.	Cape Verde	8th May, 2002
27.	Chile	31st May, 1979
28.	China	18th October, 1958
29.	Colombia	13th November, 1966
30.	Comoros	9th September, 1991
31 .	Congo	15th August, 1960
32.	Costa Rica	8th August, 1984
33.	Cote d' I voire	7th August, 1960
34.	Croatia	8th October, 1991
35.	Cuba	19th October, 1964
36.	Cyprus	16th August, 1960
37.	Czech Republic	1st January, 1993
38.	Democratic People's Republic of Korea	30th May, 1961
39.	Democratic Republic of the Congo	30th June, 1960
40.	Denmark	1st October, 1937
41.	Dominican Republic	25th May, 1972
42.	Ecuador	1st March, 1970
43.	Egypt	5th December, 1955
44.	El Salvador	
45.	Equatorial Guinea	19th March, 1989
46.	Estonia	14th June, 1998
47.	Ethiopia	12th November, 1950
48.	Fiji	10th October, 1970
49.	Finland	1st October, 1937
50.	France	13th February, 1933
51.	Gabon	16th May, 1969
52.	Germany	29th December, 1933
53.	Ghana	9th November, 1997
54.	Greece	11th April, 1938
55.	Grenada	
56.	Guatemala	4th May, 1997
57.	Guinea	10th December, 1961
58.	Honduras	25th September. 1994
59.	Hungary	27th August, 1936
60.	Iceland	19th November, 1948
61.	India	15th August, 1947

62.	Indonesia	17th August, 1945
63.	Iran (Islamic Republic of)	6th October, 1975
64.	Hag	26th September, 1972
65.	Ireland	19th December 1935
66.	Israel	6th January, 1950
67.	Italy	15th May, 1933
68.	Japan	18th August, 1953
69.	Jordan	25th May, 1946
70,	Kazakhstan	
71.	Kenya	12th December, 1963
72.	Kuwait	9th November, 1975
73.	Kyrgyzstan	9th May, 2000
74.	Lao People’s Democratic Republic	19th July, 1949
75.	Latvia	13th February, 1933
76.	Lebanon	22nd November. 1943
77.	Lesotho	4th October, 1966
78.	Liberia	31st July, 1942
79.	Libyan Arab Jamahiriya	14th August, 1969
80.	Liechtenstein	7th August, 1934
81.	Lithuania	
82.	Luxembourg	5th January, 1950
83.	Madagascar	26th June, 1960
84.	Malawi	25th January, 1978
85.	Malaysia	16th September, 1963
86.	Maldives	11th January, 1996
87.	Mali	26th April, 1961
88.	Malta	21st September, 1964
89.	Mauritania	4th November, 1962
90.	Mauritius	15th January, 1990
91.	Mexico	15th May, 1933
92.	Monaco	
93.	Mongolia	29th July, 1962
94.	Morocco	5th April, 1958
95.	Myanmar	4th January, 1948
96.	Nauru	31st January, 1968
97.	Nepal	13th May, 1966
98.	Netherlands	29th September, 1933
99.	New Zealand	5th July, 1937
100.	Niger	3rd August, 1960
101.	Nigeria	1st October, 1960
102.	Norway	1st October, 1937

103. Oman	4th November, 1976
104. Pakistan	14th August, 1947
105. Panama	10th February, 1997
106. Papua New Guinea	16th September, 1975
107. Paraguay	26th November. 1969
108. Peru	3rd October, 1998
109. Philippines	7th February, 1991
110. Poland	13th February, 1933
111. Portugal	18th June, 1947
112. Qatar	22nd March, 1987
113. Republic of Korea	
114. Republic of Moldova	19th June, 1997
115. Romania	13th February, 1933
116. Russian Federation	18th November, 1934
117. Rwanda	1st July, 1962
118. Saint Vincent and the Grenadines	27th October, 1979
119. Samona	1st January, 1962
120. Saudi Arabia	27th April, 1969
121. Senegal	17th September, 1964
122. Serbia and Montenegro	27th April, 1992
123. Seychelles	22nd September, 1980
124. Sierra Leone	27th April, 1961
125. Singapore	3rd December, 1971
126. Slovakia	1st January, 1993
127. Slovenia	25th June, 1991
128. Solomon Islands	7th July, 1978
129. South Africa	22nd March, 1955
130. Spain	13th February, 1933
131. Sri Lanka	4th February, 1948
132. Sudan	12th May, 1975
133. Suriname	28th September, 2003
134. Swaziland	
135. Sweden	1st October, 1937
136. Switzerland	7th August, 1934
137. Syrian Arab Republic	2nd March, 1959
138. The formerYugoslav Republic of Macedonia	17th September, 1991
139. Togo	30th September, 1980
140. Tonga	4th June, 1970
141. Trinidad and Tobago	31st August, 1962
142. Tunisia	13th February, 1964
143. Turkey	23rd June, 1978

144. Turkmenistan	20th March, 1995
145. Uganda	22nd October, 1963
146. Ukraine	12th November, 1959
147. United Arab Emirates	3rd July, 1986
148. United Kingdom	15th May, 1933
149. United Kingdom for the following territories:	3rd March, 1935
- Bermuda	
- British Antarctie Territory	
- Cayman, Turks, and Calcos Islands	
- Akrotiri and Dhekelia	
- Falkland Islands and Dependencies	
- Hong Kong	
- Monsserrat St. Helena and Ascension	
150. United Republic of Tanzania	6th July. 1965
151. United States	29th October, 1934
152. Uruguay	2nd October, 1979
153. Uzbekistan	28th May, 1997
154. Vanuatu	24th January, 1982
155. Venezuela	13th September, 1955
156. Vietnam	9th January, 1983
157. Yemen	4th August, 1982
158. Zambia	24th October, 1964
159. Zimbabwe	18th April, 1980

PART-II

Sl. No.	High Contracting Parties to Convention	Date of enforcement of Convention
(1)	(2)	(3)
1.	Afghanistan	21st May, 1969
2.	Algeria	31st August, 1964
3.	Angola	8th June, 1998
4.	Argentina	10th September, 1969
5.	Australia	1st August, 1963
6.	Austria	24th June, 1971
7.	Azerbaijan	23rd April, 2000
8.	Bahamas	10th July, 1973
9.	Bahrain	10th June, 1998
10.	Bangladesh	26th March, 1971
11.	Belarus	1st August, 1963
12.	Belgium	25th November, 1963
13.	Benin	1st August, 1963

14.	Bosnia and herzegovina	6th March, 1992
15.	Brazil	14th September, 1964
16.	Bulgaria	13th March, 1964
17.	Cambodia	12th March, 1997
18.	Cameroon	1st August, 1963
19.	Canada	17th July, 1964
20.	Cape Verde	8th May, 2002
21.	Chile	31st May, 1979
22.	China	18th November, 1975
23.	Colombia	13th November, 1966
24.	Congo	1st August, 1963
25.	Costa Rica	8th August, 1984
26.	Cote d' Ivoire	1st August, 1963
27.	Croatia	8th October, 1991
28.	Cuba	28th November, 1965
29.	Cyprus	21st October, 1970
30.	Czech Republic	1st January, 1993
31.	Democratic People's Republic of Korea	2nd February, 1981
32.	Denmark	1st August, 1963
33.	Dominican Republic	25th May, 1972
34.	Ecuador	1st March, 1970
35.	Egypt	1st August, 1963
36.	El Salvador	1st August, 1963
37.	Estonia	14th June, 1998
38.	Fiji	10th October, 1970
39.	Finland	23rd August, 1977
40.	France	1st August, 1963
41.	Gabon	16th May, 1969
42.	Germany	1st August, 1963
43.	Ghana	9th November, 1997
44.	Greece	21st September, 1965
45.	Grenada	13th November, 1985
46.	Guatemala	26th October, 1971
47.	Guinea	7th January, 1991
48.	Hungary	1st August, 1963
49.	Iceland	1st August, 1963
50.	India	15th May, 1973
51.	Iran (Islamic Republic of)	6th October, 1975
52.	Iraq	1st August, 1963
53.	Ireland	1st August, 1963
54.	Israel	3rd November, 1964

55.	Italy	2nd August, 1963
56.	Japan	8th November, 1967
57.	Jordan	13th February, 1974
58.	Kazakhstan	28th November, 2002
59.	Kenya	4th October, 1999
60.	Kuwait	9th November, 1975
61.	Kyrgyzstan	9th May, 2000
62.	Lao People's Democratic Republic	1st August, 1963
63.	Latvia	31st December, 1998
64.	Lebanon	8th August, 1978
65.	Lesotho	15th January, 1976
66.	Libyan Arab Jamahiriya	14th August, 1969
67.	Liechtenstein	3rd April, 1966
68.	Lithuania	19th February, 1997
69.	Luxembourg	1st August, 1963
70.	Madagascar	1st August, 1963
71.	Malawi	7th September, 1971
72.	Malaysia	19th December, 1974
73.	Maldives	11th January, 1996
74.	Mali	29th March, 1964
75.	Mauritius	15th January, 1990
76.	Mexico	1st August, 1963
77.	Monaco	8th July, 1979
78.	Morocco	15th February, 1976
79.	Nauru	31st January, 1968
80.	Nepal	13th May, 1966
81.	Netherlands	1st August, 1963
82	New Zealand	14th June, 1967
83.	Niger	1st August, 1963
84.	Nigeria	29th September, 1969
85.	Norway	1st August, 1963
86.	Oman	2nd November, 1987
87.	Pakistan	1st August, 1963
88.	Panama	10th February, 1997
89.	Papua New Guinea	16th September, 1975
90.	Paraguay	26th November, 1969
91.	Peru	3rd October, 1988
92.	Philippines	28th February, 1967
93.	Poland	1st August, 1963
94.	Portugal	15th December, 1963
95.	Qatar	22nd March, 1987

96. Republic of Korea	11th October, 1 967
97. Republic of Moldova	19th June, 1997
98. Romania	1st August, 1963
99. Russian Federation	1st August, 1963
100. Rwanda	27th March, 1991
101. Saint Vincent and the Grenadines	3rd March, 2002
102. Samona	14th January, 1973
103. Saudi Arabia	27th April, 1969
104. Senegal	17th September, 1964
105. Serbia and Montenegro	27th April, 1992
106. Seychelles	22nd September, 1980
107. Singapore	4th February, 1968
108. Slovakia	1st January, 1993
109. Slovenia	25th June, 1991
110. Solomon Islands	7th July, 1978
111. South Africa	17th December, 1967
112. Spain	6th March, 1966
113. Sri Lanka	25th May, 1997
114. Sudan	12th May, 1975
115. Suriname	17th January, 2005
116. Swaziland	18th October, 1978
117. Sweden .	1st August, 1963
118. Switzerland	1st August, 1963.
119. Syrian Arab Republic	1st August, 1963
120. The former Yugoslav Republic of Macedonia	17th September, 1991
121. Togo	30th September, 1980
122. Tonga	22nd May, 1977
123. Trinidad and Tobago	8th August, 1983
124. Tunisia	13th February. 1964
125. Turkey	23rd June, 1978
126. Ukraine	1st August, 1963
127. United Arab Emirates	16th January, 1994
128. United Kingdom	1st June, 1967
129. United Kingdom for the following territories: - Bermuda - British Antarctie Territory - Cayman, Turks, and Calcos Islands	1st June, 1967
130. United States	14th December, 2003
131. Uzbekistan	28th May, 1997

132. Vanuatu	24th January, 1982
133. Venezuela	1st August, 1963
134. Vietnam	9th January, 1983
135. Yemen	4th August, 1982
136. Zambia	23rd June, 1970
137. Zimbabwe	25th January, 1981

PART-III

Sl. No.	State Parties	Date of enforcement
(1)	(2)	(3)
1.	Albania	19th December, 2004
2.	Austria	28th June, 2004
3.	Bahrain	4th November, 2003
4.	Barbados	4th November, 2003
5.	Belgium	28th June, 2004
6.	Belize	4th November, 2003
7.	Benin	29th May, 2004
8.	Botswana	4th November, 2003
9.	Bulgaria	9th January, 2004
10.	Cameroon	4th November, 2003
11.	Canada	4th November, 2003
12.	Cape Verde	22nd October, 2004
13.	China	31st July, 2005
14.	Colombia	4th November, 2003
15.	Cuba	13th December, 2005
16.	Cyprus	4th November, 2003
17.	Czech Republic	4th November, 2003
18.	Denmark	28th June, 2004
19.	Egypt	25th April, 2005
20.	Estonia	4th November, 2003
21.	Finland	28th June. 2004
22.	France	28th June, 2004
23.	Gambia	9th May, 2004
24.	Germany	28th June, 2004
25.	Greece	4th November, 2003
26.	Hungary	7th January, 2005
27.	Iceland	16th August, 2004
28.	Ireland	28th June, 2004
29.	Italy	28th June, 2004
30.	Japan	4th November, 2003
31.	Jordan	4th November, 2003
32.	Kenya	4th November. 2003

33.	Kuwait	4th November. 2003
34.	Latvia	15th February, 2005
35.	Lebanon	14th May, 2005
36.	Lithuania	29th January, 2005
37.	Luxembourg	28th June, 2004
38.	Maldives	30th December, 2005
39.	Malta	4th July, 2004
40.	Mexico	4th November, 2003
41.	Monaco	17th October, 2004
42.	Mongolia	4th December, 2004
43.	Namibia	4th November, 2003
44.	Netherlands	28th June, 2004
45.	New Zealand	4th November, 2003
46.	Nigeria	4th November, 2003
47.	Norway	28th June, 2004
48.	Panama	4th November, 2003
49.	Paraguay	4th November, 2003
50.	Peru	4th November, 2003
51.	Portugal	4th November, 2003
52.	Qatar	14th January, 2005
53.	Romania	4th November, 2003
54.	Saint Vincent and the Grenadines	28th May, 2004
55.	Saudi Arabia	14th December, 2003
56.	Slovakia	4th November, 2003
57.	Slovenia	4th November, 2003
58.	Spain	28th June, 2004
59.	Sweden	28th June, 2004
60.	Switzerland	5th September, 2005
61.	Syrian Arab Republic	4th November, 2003
62.	The Former Yugoslav Republic of Macedonia	4th November, 2003
63.	Tonga	19th January, 2004
64.	United Arab Emirates	4th November, 2003
65.	United Kingdom	28th June, 2004
66.	United Republic of Tanzania	4th November, 2003
67.	United States	4th November, 2003
68.	Vanuatu	8th January, 2006
69.	European Community	28th June, 2004.'.

N.L. MEENA,
Additional Secretary to the Govt. of India.

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ,
ಆರ್. ಆಂಜಿನಿ
ಸಹಾಯಕ ಪ್ರಾರೂಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ
ಸರ್ಕಾರದ ಅಧೀನ ಕಾರ್ಯದರ್ಶಿ,
ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ.

ಪಿ.ಆರ್. 44

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಸಚಿವಾಲಯ

ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 24 ಕೇಶಾಪ್ರ 2009, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 2ನೇ ಮಾರ್ಚ್ 2009

2009ನೇ ಸಾಲಿನ ಜನವರಿ 19ನೇ ದಿನಾಂಕದ ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ ಭಾಗ–II ಸೆಕ್ಷನ್ 1 ರಲ್ಲಿ ಪ್ರಕಟವಾದ ಈ ಕೆಳಕಂಡ The Science and Engineering Research Board Act, 2008 (Act No.9 of 2009) ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯ ಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 19th January, 2009/ Pausa 29, 1930 (Saka)

The following Act of Parliament received the assent of the President on the 17th January, 2009, and is hereby published for general information:

THE SCIENCE AND ENGINEERING RESEARCH BOARD ACT, 2008,

No.9 OF 2009

[17th January 2009]

An Act to provide for the constitution of a Board for promoting basic research in Science and Engineering and to provide financial assistance to persons engaged in such research, academic institutions ,research and development laboratories, industrial concerns and other agencies for such research and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the fifty-ninth year of the Republic of India as follows:

CHAPTER I

PRELIMINARY

1. Short title and commencement: (1) This Act may be called the Science and Engineering Research Board Act, 2008,

(2) It shall come into force on such date as the Central Government may by notification in the Official Gazette, appoint.

2. Definitions: In this Act, unless the context otherwise requires

(a) "Board" means the Science and Engineering Research Board constituted under sub-section (1) of section 3;

(b) "Chairperson" means the Chairperson of the Board;

(c) "Fund" means the Fund for Science and Engineering Research constituted under sub-section (1) of section 10;

(d) "member" means a member of the Board and includes the Chairperson;

(e) "Oversight Committee" means the Oversight Committee of Experts constituted under sub-section (1) of section 5;

(f) "prescribed" means prescribed by rules made under this Act;

(g) "Secretary" means the Secretary of the Board appointed under sub-section (1) of section 4;

CHAPTER II

SCIENCE AND ENGINEERING RESEARCH BOARD

3. Constitution and incorporation of Board: (1) The Central Government shall by notification in the Official Gazette, constitute, for the purposes of this Act, a Board to be called the Science and Engineering Research Board.

(2) The Board shall be a body corporate by the name aforesaid having perpetual succession and a common seal with power, subject to the provisions of this Act, to contract and shall by the said name, sue and be sued.

(3) The Board shall consist of the following persons, namely:

(a) Secretary to the Government of India in the Department of Science and Technology ex officio-Chairperson;

(b) Member-Secretary, Planning Commission, ex officio-Member;

(c) Secretary to the Government of India in the Department of Biotechnology, ex-officio-Member;

(d) Secretary to the Government of India in the Department of Scientific and Industrial Research Ex officio-Member;

(e) Secretary to the Government of India in the Ministry of Earth Sciences, ex-officio-Member;

(f) Secretary to the Government of India in the Department of Expenditure, Ministry of Finance or his nominee, ex officio-Member;

(g) Secretary to the Government of India in the Department of Health Research, ex-officio-Member

(h) not more than three members to be appointed by the Central Government from amongst persons having experience in scientific research in different disciplines in academic institutions;

(i) not more than three members to be appointed by the Central Government from amongst persons having experience in scientific research in different disciplines in Government research laboratories;

(j) not more than four members to be appointed by the Central Government from amongst persons having experience in scientific research in different disciplines in the industry, international projects on science and technology socio-economic sectors and other Government research laboratories.

(4) The Head Office of the Board shall be at Delhi or in the National Capital Region.,

(5) The qualifications and experience, term of office and allowances of the members specified in clauses (h) to (j) of sub-section (3) shall be such as may be prescribed.

(6) The Chairperson shall, in addition to presiding over the meetings of the Board, exercise and discharge such powers and duties, as may be prescribed or delegated to him by the Board.

(7) No act or proceeding of the Board shall be invalidated merely by reason of

(a) any vacancy in or any defect in the constitution of the Board;

(b) any defect in the appointment of a person acting as a member of the Board;

(c) any irregularity in the procedure of the Board not affecting the merits of the case.

4. Secretary and other officers and employees of Board: (1) The Board may appoint an eminent Scientist not below the rank of Additional Secretary to the Government of India as the Secretary of the Board, in consultation with the Central Government.

(2) The Board may appoint such other officers and employees as it considers necessary for the efficient discharge of its functions under this Act.

(3) The qualifications and experience, terms and conditions of service including salary and allowances of the Secretary and other officers and employees of the Board shall be such as may be specified in the regulations made by the Board.

(4) The Board may engage the services of personnel, both from within and outside the country as consultants, visiting scientists on such terms and conditions and remunerations as may be specified in the regulations made by the Board and shall facilitate their operations within the country.

5. Oversight Committee of Experts: (**1**) Subject to the rules made in this behalf, the Board shall constitute an Oversight Committee of Experts consisting of experts, eminent scientists and academics to advise and assist the Board.

(2) The Oversight Committee shall consist of the following persons namely:

(i) a scientist of eminence and international repute-Chairperson

(ii) Secretary to the Government of India in the Department of Science and Technology ex officio-Vice –Chairperson;

(iii) Presidents of Indian National Science Academy, Indian Academy of Sciences and Indian National Academy of Engineering ex officio-Members;

(iv) not more than three members to be appointed by the Central Government from amongst distinguished experts in different areas of science and technology;and

(v) Secretary to the Board ex-officio-Member;

6. Committees of Board: (1) Subject to the rules made in this behalf, the Board may appoint such committees as may be necessary for the efficient discharge of its duties and performance of its functions under this Act.

(2) The Board shall have the power to co-opt as members of any committee appointed under sub-section (1), such number of persons who are not members of the Board as it may think fit and the person so co-opted shall have the right to attend the meetings of the committee, and take part in the proceedings of the committee.

7. Powers and functions of Board: (1) The Board shall serve as a premier multi-disciplinary research funding agency for planning promoting and funding basic research in the emerging of science and engineering;

(2) The powers and functions of the Board shall, inter alia include-

(i) serving as a premier multi-disciplinary research agency for planning promoting and funding of internationally competitive research in emerging areas;

(ii) considering and taking decisions on the recommendations and suggestions made by the Oversight Committee;

(iii) identifying major inter-disciplinary research areas and individuals, groups or institutions and funding them for undertaking research;

(iv) evolving nationally coordinated programmes in various identified areas involving institutions that will have a multiplier effect in promoting research;

(v) assisting in setting up infrastructure and environment for scientific pursuit;

(vi) achieving synergy between academic institutions, research and development laboratories and industry for promoting basic research in science and engineering;

(vii) evolving a management system to speedily provide for funding research, including monitoring and evaluation, by adopting modern management practices;

(viii) evolving participation in international collaborative projects, wherever necessary or desirable ;and

(ix) taking over and continuance of the basic research projects and programmes undertaken or funded by the Central Government under the existing Science and Engineering Research Council scheme.

(3) The Board may provide financial assistance for the purposes specified in sub-section (2) in the form of grants and loans to individuals, academic institutions research, and development laboratories, industries and other organisations.

CHAPTER III

APPLICATION FOR SANCTION OF FINANCIAL ASSISTANCE

8. Application for availing of financial assistance: (1) An application for availing of financial assistance for the purposes specified in sub-section (1) of section 7 shall be made to the Board in such form as may be prescribed.

(2) The Board may, after examining the application and after making such enquiries or seeking such clarifications as it considers necessary, by order in writing, either sanction the financial assistance or refuse the same.

CHAPTER IV

FINANCE, ACCOUNTS AND AUDIT

9. Grants and loans by Central Government: The Central Government may, after due appropriation made by Parliament by law, in this behalf make to the Board grants and loans of such sums of money as that Government may consider necessary.

10. Fund for Science and Engineering Research: (1) There shall be constituted a Fund to be called the Fund for Science and Engineering Research and there shall be credited to the Fund-

(a) any grants and loans made to the Board by the Central Government under section 9;

(b) all sums received by the Board including donations from any other source;

(c) recoveries made of the amounts granted from the Fund; and

(d)any income from investment of the amount of the Fund.

(2) The Fund shall be applied for meeting-

(a) expenses on the object and for the purposes authorized by this Act;

(b) salaries. Allowances and other expenses of the members, officers and other employees of the Board;

(c) remunerations of the consultants and visiting scientists; and

(d) expenses of the Board in the discharge of its functions under this Act.

11. Budget: The Board shall prepare, in such form and at such time in each financial year, as may be prescribed, its budget for the next financial year, showing the estimated receipts and expenditure of the Board and forward the same to the Central Government.

12. Annual report: The Board shall prepare, in such form and at such time in each financial year, as may be prescribed its annual report giving a full account of its activities during the previous financial year, and submit a copy thereof to the Central Government.

13. Accounts and audit: (1) The Board shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed by the Central Government in consultation with the Comptroller and Auditor-General of India.

(2) The Comptroller and Auditor-General of India or any other person appointed by him in connection with the auditing of the accounts of the Board under this Act shall have the same rights and

privileges and the authority in connection with such audit as the Comptroller and Auditor-General of India has in connection with the auditing of the Government, accounts and in particular, shall have the right to demand the production of books, accounts connected vouchers and other documents and papers and to inspect any of the office of the Board under this Act.

(3) The accounts of the Board shall be audited by the Comptroller and Auditor General of India annually and any expenditure incurred in connection with such audit shall be payable by the Board to the Comptroller and Auditor-General.

(4) The Board shall furnish to the Central Government, before such date as may be prescribed, its audited copy of accounts together with auditor's report.

14. Annual report and auditor's report to be laid before Parliament: The Central Government shall cause the annual report and auditor's report to be laid, as soon as may be after they are received , before each House of Parliament.

CHAPTER V
MISCELLANEOUS

15. Returns to be furnished to Board: (1) An industrial concern or an institution receiving financial assistance from the Board shall furnish return to the Board in such form and at such time as may be specified by regulations.

(2) The Board may authorise an officer to visit any industrial concern or institution referred to in sub-section (1) at any time to verify the accuracy of any return made under this section.

16. Power of Central Government to issue directions: (1) Without prejudice to the foregoing provisions of this Act, the Board shall, in the discharge of its functions and duties under this Act, be bound by such directions on questions of policy as the Central Government may give in writing to it from time to time;

Provided that the Board shall, as far as practicable, be given an opportunity to express its views before any direction is given under this sub-section.

(2) The decision of the Central Government, whether a question is one of the policy or not shall be final.

17. Power of Central Government to supersede Board: (1) If a any time the Central Government is of the opinion

(a) that on account of grave emergency, the Board is unable to discharge the functions and the duties imposed on it by or under the provisions of this Act; or

(b) that the Board has persistently made default in complying with any direction issued by the Central Government under this Act or in the discharge of the functions and duties imposed on it by or under the provisions of this Act and as a result of such default the financial position of the Board or the administration of the Board has deteriorated; or.

(c) that circumstances exist which render it necessary in the public interest so to do.

the Central Government may by notification in the Official Gazette, supersede the Board for such period, not exceeding six months, as may be specified in the notification.

(2) Upon the publication of a notification under sub-section (1) superseding the Board,-

(a) all the members shall, as from the date of supersession, vacate their offices as such;

(b) all the powers, functions and duties which may, by or under the provisions of this Act, be exercised or discharged by or on behalf of the Board shall, until the Board is reconstituted under sub-section (3), be exercised and discharged by such person or persons as the Central Government may direct; and

(c) all property owned or controlled by the Board shall, until the Board is reconstituted under sub-section (3) vest in the Central Government .

(3) On the expiration of the period of supersession specified in the notification issued under sub-section (1), the Central Government may reconstitute the Board by a fresh appointment and in such case any person or persons who vacated their officers under clause (a) of sub-section (2), shall not be deemed to be disqualified for appointment;

Provided that the Central Government may, at any time, before the expiration of the period of supersession, take action under this sub-section.

(4) The Central Government shall cause a notification issued under sub-section (1) and a full report of any action taken under this section and the circumstances leading to such action to be laid before each House of Parliament at the earliest.

18. Delegation: The Board may, by general or special order in writing, delegate to the Chairperson or any other member or to any officer of the Board subject to such conditions and limitations, if any, as may be specified in the order, such of its powers and functions under this Act (except the power under section 21) as it may deem necessary.

19. Protection of action taken in good faith: No prosecution or other legal proceeding shall lie against the Central Government or the Board or any committee appointed by it or any member of the Board or such committee, or any officer or employee of the Government or the Board or any other person authorised by the Central Government or the Board for anything which is in good faith done or intended to be done under this Act or the rules or regulations made thereunder.

20. Power of Central Government to make rules: (1) The Central Government may, by notification in the Official Gazette, make rules to carry out the provisions of this Act.

(2) Without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:-

(a) the qualifications and experience, term of office and other allowances of the members of the Board, under sub-section (5) of section3;

(b) the powers and duties of the Chairperson under sub-section (6) of section 3;

(c) the constitution of Oversight Committee under section 5;

(d) the constitution of committees under sub-section (1) of section 6;

(e) the form of application under sub-section (1) of section 8;

(f) the form in which,. and the time at which the Board shall prepare its budget under section 11 and its annual report under section 12;

(g) the form of annual statement of accounts under sub-section (1) of section 13 and the date before which audited copy of the accounts may be furnished to the Central Government under sub-section (4) of that section;

(h) any other matter which is to be or may be prescribed or in respect of which provision is to be, or may be, made by rules.

21. Power of Board to make regulations: (1) The Board may, with the previous approval of the Central Government, by notification in the Official; Gazette, make regulations consistent with this Act and the rules generally to carry out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely:

(a) the qualifications and experience, terms and conditions of service including salaries and allowances of the Secretary and other officers and employees of the Board under sub-section (2) of section 4:

(b) the form in which and the time at which the returns may be furnished to the Board under sub-section (1) of section 15.

22. Rules and regulations to be laid before Parliament: Every rule and every regulation made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or regulation or both Houses agree that the rule or regulation should not be made. the rule or regulation shall thereafter have effect only in such modified form or be of on effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation.

T.K. VISWANATHAN,
Secy to the Govt of India

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ,
ಆರ್. ಆಂಜಿನಿ
ಸಹಾಯಕ ಪ್ರಾರೂಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ
ಸರ್ಕಾರದ ಅಧೀನ ಕಾರ್ಯದರ್ಶಿ,
ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ.

ಪಿ.ಆರ್. 26

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಸಚಿವಾಲಯ

ಅಧಿಸೂಚನೆ ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 11 ಕೇನಿಪ್ರ 2009, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 18ನೇ ಮೇ 2009

2009ನೇ ಸಾಲಿನ ಮಾರ್ಚ್ 31 ಮತ್ತು ಏಪ್ರಿಲ್ 2ನೇ ದಿನಾಂಕದ ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟಿನ ವಿಶೇಷ ಸಂಚಿಕೆಯ ಭಾಗ–II ಸೆಕ್ಷನ್ 3(i)ಮತ್ತು 3(ii)ರಲ್ಲಿ ಪ್ರಕಟವಾದ ಈ ಕೆಳಕಂಡ S.O. 891(E) (ಅಧಿಸೂಚನೆ ಸಂಖ್ಯೆ F.No. 1/1/2009-CL.V ದಿನಾಂಕ: 31.3.2009) ಗಳನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯ ಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ.

MINISTRY OF CORPORATE AFFAIRS

NOTIFICATION

New Delhi, the 31st March, 2009

S.O 891 (E): In exercise of the powers conferred by sub-section (3) of Section 1 of the Limited Liability Partnership Act, 2008 (6 of 2009), the Central Government hereby appoints the 31st day of march 2009 as the date on which the following sections of the said Act shall come into force, namely:

Sl No.	Sections
1	Section 1
2	Section 2 except clauses (c) and (u) of its sub section (1)
3	Sections 3 to 30
4	Section 31 except to the extent of its application in context of the 'Tribunal'
5	Sections 32 to 50
6	Sections 52 to 54
7	Sections 59 to 62
8	Sections 66 to 71
9	Sections 74to 80
10	Section 81 except clauses (b) to the extent of its application to Sections 51, 63 and 64 and clause(c)
11	First Schedule

[F.No. 1/1/2009-CL.V]
JITESH KHOSLA, Jt. Secy

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS

(Department of Personnel and Training)

NOTIFICATION

New Delhi, the 2nd April, 2009

G.S.R 235 (E): In exercise of the powers conferred by Section 25 of the Negotiable Instruments Act of 1881 (26 of 1881), the Central Government hereby declares Tuesday, the 14th April 2009 as a Closed Holiday throughout India on account of Birthday of Dr.B.R. Ambedkar.

[F.No. 12/6/2009-JCA-2]

DINESH KAPILA, Dy. Secy

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ,

ಆರ್. ಆಂಜಿನಿ

ಪಿ.ಆರ್. 42

ಸಹಾಯಕ ಪ್ರಾರೂಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ

ಸರ್ಕಾರದ ಅಧೀನ ಕಾರ್ಯದರ್ಶಿ,

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ.

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಸಚಿವಾಲಯ

ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 41 ಕೇಶಾಪ್ರ 2009, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 6ನೇ ಜೂನ್ 2009

2009ನೇ ಸಾಲಿನ ಮಾರ್ಚ್ 16ನೇ ದಿನಾಂಕದ ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟಿನ ವಿಶೇಷ ಸಂಚಿಕೆಯ ಭಾಗ–II ಸೆಕ್ಷನ್ 1ರಲ್ಲಿ ಪ್ರಕಟವಾದ ಈ ಕೆಳಕಂಡ The National Capital Territory of Delhi Laws (Special Provisions) Act, 2009 (Act No. 24 of 2009) ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯ ಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ.

THE NATIONAL CAPITAL TERRITORY OF DELHI LAWS

(SPECIAL PROVISIONS) ACT, 2009

AN

ACT

to make special provisions for the National Capital Territory of Delhi for a further period up to the 31st day of December, 2009 and for matters connected therewith or incidental thereto.

WHEREAS there had been phenomenal increase in the population of the National Capital Territory of Delhi owing to migration and other factors resulting in tremendous pressure on land and infrastructure leading to encroachment or unauthorized developments which are not in consonance with the concept of planned development as provided in the Master Plan of Delhi, 2001 and the relevant Acts and building bye-laws made thereunder;

AND WHEREAS the Master Plan of Delhi, 2001 was extensively modified and notified by the Central Government on the 7th day of February 2007 with the perspective for the year 2021 keeping in view the emerging new dimensions in urban development vis-à-vis the social financial and other ground realities;

And WHEREAS the Master Plan of Delhi with the perspective for the year 2021 specifically provides for strategies for housing for urban poor as well as to deal with the informal sector;

AND WHEREAS a strategy and a scheme has been prepared by the local authorities in the National Capital Territory of Delhi for regulation of urban street vendors in accordance with the National Policy for Urban Street Vendors and the Master Plan for Delhi, 2021;

AND WHEREAS based on the policy finalised by the Central Government regarding regularisation of unauthorised colonies, village abadi area and extension, the guidelines and regulations for this purpose have been issued;

AND WHEREAS more time is required for orderly implementation of scheme regarding hawkers and urban street vendors and for regularisation of unauthorised colonies, village abadi area and its extension;

AND WHEREAS the revised policy and orderly arrangements for relocation and rehabilitation of slum dwellers and Jhuggi-Jhompri clusters in the National Capital Territory of Delhi is under consideration of the Government;

AND WHEREAS policy regarding existing farm houses involving construction beyond permissible building limits, schools, dispensaries, religious institutions and cultural institutions and storages, warehouses and godowns used for agricultural inputs or produce (including dairy and poultry) in rural areas built on agricultural land is under consideration of the Central Government;

AND WHEREAS the National Capital Territory of Delhi Laws (Special Provisions) Act, 2007 (43 of 2007) was enacted on the 5th day of December, 2007 to make special provisions, for the areas of National Capital Territory of Delhi for a period up to the 31st day of December, 2008 and has ceased to operate after the 31st day of December, 2008;

AND WHEREAS it is expedient to have a law in terms of the Master Plan of Delhi, 2021, in continuation of the said Act for a period up to the 31st day of December 2009 to provide temporary relief and to minimise avoidable hardships and irreparable loss to the people of the National Capital Territory of Delhi against any action by the concerned agency in respect of persons covered by the policies referred to above.

BE it enacted by Parliament in the Sixtieth Year of the Republic of India as follows:

1. Short title, extent, commencement and duration : (1) This Act may be called the National Capital Territory of Delhi Laws (Special Provisions) Act, 2009.

(2) It extends to the National Capital Territory of Delhi,

(3) It shall be deemed to have come into force on the 1st day of January, 2009.

(4) It shall cease to have effect on the 31st day of December, 2009, except as respects things done or omitted to be done before such cesser, and upon such cesser section 6 of the General Clauses Act, 1897, (10 of 1897) shall apply as if this Act had then been repealed by a Central Act,

2. Definitions: (1) In this Act, unless the context otherwise requires,-

(a) ''building bye-laws'' means bye-laws made under section 481 of the Delhi Municipal Corporation Act, 1957 (66 of 1957) or the bye-laws made under section 188,. sub-section (3) of section 189 and sub-section (1) of section 190 of the Punjab Municipal Act 1911, (Punjab Act 3 of 1911) , as in force in New Delhi or the regulations made under sub-section (1) of section 57 of the Delhi Development Act 1957, (61 of 1957) relating to buildings;

(b) ''Delhi'' means the entire area of the National Capital Territory of Delhi except the Delhi Cantonment as defined in clause (11) of section 2 of the Delhi Municipal Corporation Act, 1957 (66 of 1957).

(c) ''encroachment'' means unauthorised occupation of Government land or public land by way of putting temporary, semi-permanent or permanent structure for residential use or commercial use or any other use;

(d) ''local authority'' means the Delhi Municipal Corporation established under the Delhi Municipal Corporation Act, 1957 (66 of 1957) or the New Delhi Municipal Council, established under the New Delhi Municipal Council Act, 1994 (44 of 1994) or the Delhi Development Authority established under the Delhi

Development Act, 1957 (61 of 1957) legally entitled to exercise control in respect of the areas under their respective jurisdiction;

(e) ''Master Plan'' means the Master Plan for Delhi with the perspective for the year 2021, notified vide notification number S.O. 141(E), dated the 7th February, 2007 under the Delhi Development Act, 1957 (61 of 1957);

(f) ''notification'' means a notification published in the Official Gazette;

(g) ''punitive action '' means action taken by a local authority under the relevant law against unauthorised development and shall include demolition, sealing of premises and displacement of persons or their business establishment from their axisting location, whether in pursuance of court orders or otherwise;

(h) ''relevant law'' means in case of-

(i) the Delhi Development Authority, the Delhi Development Act, 1957; (61 of 1957)

(ii) the Municipal Corporation of Delhi, the Delhi, Municipal Corporation Act, 1957 (66 of 1957) and

(iii) the New Delhi Municipal Council, the New Delhi Municipal Council Act, 1994 (44 of 1994);

(i) ''unauthorised development'' means use of land or use of building or construction of building or development of colonies carried out in contravention of the sanctioned plans or without obtaining the sanction of plans, or in contravention of the land use as permitted under the Master Plan or Zonal Plan or layout plan, as the case may be, and includes any encroachment.

(2) Words and expressions used but nor defined herein shall have the meanings respectively assigned to them in the Delhi Development Act, 1957 (61 of 1957) , the Delhi Municipal Corporation Act, 1957 (66 of 1957) and the New Delhi Municipal Council, Act, 1994 (44 of 1994).

3. Enforcement to be kept in abeyance: (1) Notwithstanding anything contained in any relevant law or any rules, regulations or bye-laws made there under the Central Government shall before the expiry of this Act, take all possible measures to finalise norms, policy guidelines, feasible strategies and make orderly arrangements to deal with the problem of encroachment or unauthorised development in the form of encroachment by slum dwellers and jhuggi-jhompri clusters, hawkers and urban street vendors, unauthorised colonies, village abadi area (including urban villages) and its extension, existing farm houses involving construction beyond permissible building limits and schools, dispensaries, religious, institutions, cultural institutions, storages, warehouses and godowns used for agricultural inputs or produce (including dairy and poultry) in rural areas built on agricultural land, as mentioned below;

(a) policy for relocation and rehabilitation of slum dwellers and Jhuggi-Jhompri clusters in accordance with the provisions of the Master Plan of Delhi, 2021 to ensure development of Delhi in a sustainable, planned and humane manner;

(b) scheme and orderly arrangements for regulation of urban street vendors in consonance with the national policy for urban street vendors and hawkers as provided in the Master Plan of Delhi, 2021;

(c) orderly arrangements pursuant to guidelines and regulations for regularisation of unauthorised colonies, village abadi area (including urban villages) and its extension, as existed on the 31st day of March, 2002, and where construction took place even beyond that date and up to the 8th of February, 2007;

(d) policy regarding existing farm houses involving construction beyond permissible building limits; and

(e) policy regarding schools, dispensaries, religious institutions, cultural institutions, storages, warehouses and godowns used for agricultural inputs or produce (including dairy and poultry) in rural areas built on agricultural land.

(2) Subject to the provisions contained in sub-section (1) and notwithstanding any judgement, decree or order of any court, status quo-

(i) as on the 1st day of January, 2006, in respect of encroachment or unauthorised development ; and

(ii) in respect of unauthorised colonies, village abadi area (including urban villages) and its extension, which existed on the 31st day of March, 2002 and where construction took place even beyond that date and up to the 8th day of February 2007, mentioned in sub-section (I),

shall be maintained.

(3) All notices issued by any local authority for initaiating action against encroachment or unauthorised development referred to in sub-section (1), shall be deemed to have been suspended and no punitive action shall be taken till the 31st day of December, 2009.

(4) Notwithstanding any other provision contained in this Act, the Central Government may, at any time before the 31st day of December, 2009, withdraw the exemption by notification in respect of encroachment or unauthorised development mentioned in sub-section (2) or sub-section (3), as the case may be.

4. Provisions of this Act not to apply in certain cases : During the period of operation of this Act, no relief shall be available under the provisions of section 3 in respect of the following encroachment or unauthorised development, namely:-

(a) encroachment on public and land except in those cases which are covered under clauses (a),(b) and (c) of sub-section (1) of section 3;

(b) removal of slums and Jhuggi-Jhompri dwellers, hawkers and urban street vendors, unauthorised colonies or part thereof, village abadi area (including urban villages) and its extension in accordance with the relevant policies approved by the Central Government for clearance of land required for specific public projects.

5. Power of Central Government to give directions : The Central Government may, from time to time, issue such directions to the local authorities as it may deem fit, for giving effect to the provisions of this Act and it shall be the duty of the local authorities, to comply with such directions.

6. Validation of acts done or omitted to be done etc., during 1st January, 2009 up to the date of commencement of this Act : Notwithstanding any judgment, decree or order of any court, all things done, or omitted, to be done, and all action taken, or not taken, during the period beginning on or after the 1st day of January, 2009 and ending immediately before the date of commencement of this, Act, shall in so far as they are in conformity with the provisions of this Act, be deemed to have been done, or omitted to be done, or taken, or not taken, under these provisions as if such provisions were in force at the time such things were done or omitted to be done and action taken or not taken during the aforesaid period.

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ,

ಆರ್. ಆಂಜಿನಿ

ಪಿ.ಆರ್. 46

ಸಹಾಯಕ ಪ್ರಾರೂಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ
ಸರ್ಕಾರದ ಅಧೀನ ಕಾರ್ಯದರ್ಶಿ,
ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ.